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STEPHEN M. WHITE

CALIFORNIAN, CITIZEN,
LAWYER, SENATOR.

HIS LIFE AND HIS WORK.

A CHARACTER SKETCH
BY LEROY E. MOSHER.

TOGETHER WITH HIS
PRINCIPAL PUBLIC ADDRESSES,
COMPILED BY
ROBERT WOODLAND GATES,
His Former Private Secretary.

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IN TWO VOLUMES.

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COAST DEFENSES

Speech Delivered

In the Senate of the United States.

Thursday, April 30, 1896.

The Senate having under consideration the bill (H. R. 7542) making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes —

Mr. WHITE said:

Mr. President: I desire to make a few suggestions in reference to the further construction of a Navy and as to the desirability of coast defenses.

I concede the necessity for an adequate Navy ample to protect us in case of exigency, but when we are considering the question of appropriating money for naval purposes we ought not to forget the situation of the country with regard to the matter of coast defenses.

OUR DEFENSELESS CONDITION.

While it is universally admitted that the United States is not in a position for successful defense against any leading nation, I do not believe that the public appreciate the utter ineffectiveness of the means heretofore taken to guard our coasts and our property. The situation can hardly be exaggerated. In the event of armed contest with such powers as England or France we could not make even a respectable showing. General Miles, in a statement given by him before the Committee on Coast Defenses during the present Congress, sums up the situation thus:

> In my judgment, legislation is required to put the principal ports of the country in a proper condition of safety and in order to give them suitable protection.
>
> Senator Squire. Have you examined the condition of the fortifications that have been erected at any of the seaports?
>
> General Miles. Yes, sir; I have made it a question of study for many years. My attention was first called to it when in command of the Department of the Columbia in the Northwest some fifteen years ago, and later when in command of the Division of the Pacific. In my reports eleven and six years ago I called attention to the subject and urged the importance of protecting the principal harbors of the Pacific Coast, especially at the entrance of Puget Sound, thereby protecting Port Townsend, Seattle, Tacoma, Olympia, and other important places on Puget Sound; also the defense of the Columbia River; giving protection to Astoria and Portland, Oregon, and the entrance to the harbor at San Francisco and that of San Diego, Cal.
>
> Senator Squire. Would the guns now at these places be of any use; are they serviceable?
>
> General Miles. While there are guns mounted at Fort Canby, at the mouth of the Columbia, and in the harbor of San Francisco, they are mostly obsolete guns mounted on old and rotten carriages, and as far as the guns are concerned I believe that they could not be sold for enough to pay the purchaser for taking them down and using them for old iron.

General Craighill, Chief of Engineers, in his statement to be found on page 1 of the hearings before the subcommittee of the Senate Committee on Coast Defenses, said:

I assume that nobody doubts the need of coast defenses. Our coasts are utterly unprotected and should be put in proper condition as soon as possible, and what we need now is money.

No one denies that New York, Boston, Philadelphia, San Francisco, and all our seacoast cities will, in the event of war, be destroyed unless some provision is made for their protection. Recently work has been done at San Francisco and at New York, but the defenses even of those places are yet inadequate. Admiral Walker, who takes a very broad view of the situation and does not consider the Navy alone can do the work, made the following statement concerning the defense of San Francisco:

It is a very difficult place to fortify properly, because of its wide, easy entrance, deep water, and strong currents —

And continuing—

Very many places on our eastern shore where our channels are shoal are easy of defense. They could be defended. It is impracticable to fortify any but the most important places on our coasts, but we do not want an enemy to come and keep out of range of the defenses of Boston, New York, etc., and ravage all the coast, as they could do if we did not have a Navy to protect it.

The Senator from Vermont [Mr. PROCTOR] thereupon interrogated Admiral Walker as follows:

The British do not neglect their defenses, do they?

Admiral WALKER. No, sir.

Senator HAWLEY. How about their fortifications here on this continent?

Admiral WALKER. They hold Halifax, Esquimalt, and Bermuda as bases for operations against the United States; in the West Indies, Santa Lucia and Jamaica.

Senator HAWLEY. In Kingston there is a fortification of some importance, is there not?

Admiral WALKER. Yes, sir.

The committee took testimony with reference to the various means of defense now available. I quote from Admiral Walker:

Senator PROCTOR. Do you consider that on the whole the plan outlined in the report of the Endicott Board — you are somewhat familiar with it — is a good plan for the defense of our coasts?

Admiral WALKER. Yes; I consider it so.

Senator PROCTOR. The board was composed of very able men, who made a thorough study of the subject?

Senator SQUIRE. And two members of the Endicott Board were officers of the Navy?

Admiral WALKER. Yes. I have thought, however, for some years that the engineers of the Army gave too much importance to their mortars. I believe in direct-fire guns.

Senator PROCTOR. How much fire from a direct-fire gun could a vessel stand?

Admiral WALKER. A modern battle ship would stand a good many shots at a reasonable range, but would of course be injured to a greater or less extent.

Thereupon the Senator from North Carolina [Mr. BUTLER] inquired:

Would not a few torpedoes either cripple a ship or destroy her if placed at the entrance of the harbor?

Admiral WALKER. Ships would not attempt to come in without first destroying the torpedoes.

* * * * * * *

Senator SQUIRE. We want you to give us some idea of the importance of the land defenses, and the proper relation of the Navy to the land defenses.

Admiral WALKER. I think there is some confusion of terms with our people. What we want are harbor defenses. You can not protect the whole coast by fortifications, but you can fortify the cities and important strategic points, and they should be firmly held by means of fortifications, torpedo boats, mines, and battle ships. We ought to hold these points firmly, but it would not be important to fortify minor points. The important points should be held for many reasons. For instance, the capture of New York would cause enormous loss from a financial and moral point of view. Again, from a naval officer's point of view, our cities are necessary as points to which our ships, if injured, or defeated in action, can withdraw under cover of the fortifications, and dock, repair, and receive supplies and coal. They must serve as bases for naval operations.

The admiral thereupon continued, showing that while with ample protection and strong fortification and abundance of direct-fire guns it will be impossible for a hostile fleet to enter our harbors, nevertheless unless much more generous provision is made than is now contemplated by Congress it is unreasonable to claim that our country is even tolerably protected.

I will again cite Admiral Walker:

Admiral WALKER. The plan of the English is to keep their navy equal (in strength) to that of any other two nations.

Senator PROCTOR. What would be our fate if they sent their whole naval force against us.

Admiral WALKER. If they were at this time to send over such a naval force as they could spare from Europe they would have their own way upon our coast.

Senator HAWLEY. They could take Portland and Boston in twenty-four hours.

Admiral WALKER. Yes, sir; there is nothing that could stop them for any great length of time.

Senator GORDON. How many guns have they for the protection of New York?

Admiral WALKER. We now have at Sandy Hook, in position, 2 guns and 16 mortars.

Senator GORDON. Under the conditions existing now, what would be the effect if the English navy should engage ours?

Admiral WALKER. They would probably capture or destroy our whole Navy.

Senator PROCTOR. Would there not be some chance if we made a proper defense at Sandy Hook to successfully defend New York?

Admiral WALKER. By putting all our vessels behind Sandy Hook we could make them something of a fight for that place, but nothing would prevent them from raiding the whole coast.

Lieut. James A. Frye, of Massachusetts, treats this subject in a most interesting manner. He says:

It safely may be assumed that a large portion of our people would be found to hold the same sanguine views of the outcome of a foreign war. Further than that, newspapers and individuals are not lacking that brand as traitorous any words of warning, from whomsoever they may come, or with however much of earnestness they may be uttered. Yet if the simple, stern setting forth of unpalatable facts is to be considered a mark of disloyalty the Secretary of War, the Secretary of the Navy, the officers of both regular establishments, and thinking men in civil life must come in together for censure from their country. "It is embarrassing for a military officer to acknowledge this condition of affairs and to record these facts," said the general who now commands our Army, after calling attention to our defenseless coast. Yet he would do less than his duty to his country did he not endeavor to bring the truth before the Government, in order that it should be fully apprised of the true condition of affairs.

The Secretary of War sums up the situation thus:

> If future appropriations for the manufacture of guns, mortars, and carriages be no larger than the average authorized for the purpose since 1888, it will require twenty-two years more to supply the armament for the eighteen important ports for which complete projects are approved. If the appropriations for the engineer work are to continue at the rate of the annual appropriations since 1890, it will require *seventy years* to complete the emplacements and platforms for the ports referred to. * * * It rests with Congress to determine by its appropriations the period which shall elapse before our coasts shall be put in a satisfactory condition of defense. The amount required for the eighteen ports is about $82,000,000, and the entire work can be completed within ten years. The rate of progress will be slower in proportion as appropriations are kept below the amount which can be advantageously expended.

Mr. President, the sum and substance of the situation in this regard is as follows: If we continue to make appropriations as we have done for the purpose of fortifying our harbors, it will take seventy years to complete the scheme outlined by the Endicott Board, and since modified by the officers in charge. Manifestly, therefore, no appropriations whatever should be made or adequate appropriations should be made. It is absolute waste of money to enter upon a work which can not be utilized until the expiration of seventy years. But what will be thought of our coast defenses when completed seventy years hence? The improvements which the future has in store can not be foretold. Obviously a plan for fortifications, or, indeed, for anything else, which can not be realized for generations should not be countenanced by intelligent men.

Fortification work is not only in an unfinished state, but it has, as General Craighill says, barely been entered upon. We have but few guns of modern type. I have heard it remarked that the smoothbores now owned by the Government may be of avail. Admiral Walker tells us (Hearings, page 158) that these might be used as auxiliaries for the defense of small harbors. General Miles, however, states that in his opinion they are entirely useless, and might be sold for old iron.

The information furnished by General Flagler is interesting. The following is an extract from his examination before the Committee on Coast Defenses, page 31:

> The change in our guns, carriages, projectiles, and powder within the last twenty-five years has been as wide and as great as that which took place from Napoleon's wars, or from 1815, to the period I mentioned, twenty-four or twenty-five years ago.
>
> Senator SQUIRE. Up to 1870.
>
> General FLAGLER. Consequently the whole coast defense which we have considered so far includes nothing that was found in our coast defense twenty-five years ago. It is all entirely new; and it must be new to be of any use against the modern armored vessels or for any modern ordnance, everything being entirely new.
>
> The same statement holds good, and in some respects the changes are even more radical, in our field and siege material. All of the field and siege guns, ammunition, and material are entirely new. The Ordnance Department has been closely occupied on perfecting this material for many years. We had no money for manufactures and could accomplish little in the way of manufactures up to about six years ago; but investigations and experiments have been in progress for many years, and I feel authorized to state that our seige and field material at the present time is as good as or better than that of any other nation in the world.
>
> All I wish to say, then, is that these field and siege guns and all material that goes with them are new, and we could not in any war against a foreign nation use any one of the guns or any of the material that was used during our Civil War that is now on hand. New guns and new material must be provided throughout.

> We have but a limited number of these guns with carriages and ammunition for them on hand. In any emergency this field and siege material would probably be as important and might be much more important than the seacoast defense, or might form a part of it.
>
> Therefore, in reply to your request as to what appropriations, in addition to the estimates now before Congress, should be made for the next fiscal year, I feel it my duty, and it is very important, that there should be added to the estimates I "have given to you another estimate for this field and siege artillery."

If trouble comes it will be impossible to make even fair defense preparations. The enemy will have everything his own way. We are prone to be overconfident. Many of our people think that they can prepare for war within a few months. That such ignorance should prevail to any extent is remarkable. Nevertheless we must treat facts as we find them. The 12-inch gun is our main reliance as far as fortifications are concerned. We have no 16-inch guns, and there is some controversy as to their effectiveness.

General Flagler says (Hearings, page 28) we have a contract with the Bethlehem Company for guns under which they are delivered slowly. We can procure in addition to that number no guns which the Department is willing to put into fortifications except those we manufacture at the gun factory. You will see, then, that the gun manufactory measures the rate at which we can go on with coast defenses.

General Flagler made the following statement with reference to the length of time necessarily consumed in making a 12-inch gun, and his opinion is, of course, most valuable:

> What length of time—

He was asked—

> would be consumed in making one of the large guns, such as there are in the harbor at San Francisco, if you had everything just as you want it?

I will state that the gun named is a 12-inch gun.

> General FLAGLER. After the date of the contract we would not have the forgings in less than eight months. We could then finish the gun in about six months.
>
> Senator WHITE. It would take a little over a year to complete the gun?
>
> General FLAGLER. Yes; it would be about that length of time from the date of the appropriation before the gun would be completed. For an 8-inch gun it would take about seven months and for a 10-inch gun about ten months.

The statement made by General Craighill, and also contained in the report of the Committee on Coast Defenses, with reference to the difficulty of rapid work and the impossibility of immediate accomplishment, is alike instructive and interesting.

General Flagler insists with much force that we should not be without some 16-inch guns. In that respect, as I have before remarked, there has been some controversy among our military men, but he declares that he is willing to assert that we can manufacture a successful 16-inch gun. He argues that there is necessity for such a weapon, because a 12-inch gun would not necessarily be certainly effective when brought to bear upon one of the largest vessels that might be sent against us, but that one shot well directed from a 16-inch gun will put any vessel in the world out of action; and he tells us that it would take about three years to make the first or type 16-inch gun. I quote from his report as Chief of Ordnance:

The Board on Fortifications or Other Defenses of 1886, appointed under the act of Congress of March 3, 1885, adopted forty-four 16-inch guns as a part of our coast defenses, and designated the harbors for the defense of which these guns were to be used. For carrying out the provisions of this report this Department has several times submitted to Congress an estimate for funds for the construction of a type 16-inch gun, but the necessary appropriation therefor has not yet been made. It is believed that this failure of Congress to make the necessary appropriation is partly due to opinions expressed by persons who are opposed to the adoption and use of the 16-inch gun, and who profess to believe that the 12-inch gun has sufficient power for our needs. I do not know what arguments have been used to enforce this opinion, and can not, therefore, combat such arguments. The refusal of the necessary appropriation does not, however, relieve this Department from responsibility in the matter, and I deem it a plain duty to submit here some of the more important reasons for urging immediate preparation for producing guns of this caliber.

The question of the comparative advantage of guns of the largest or of a smaller caliber for the coast defense has sometimes been confused with the same question applied to naval guns, and the opinion formed against them for naval use has been, without sufficient thought, improperly extended to coast-defense use. The cases are so totally different that arguments applicable to the one case are not applicable to the other. The Navy is limited by the weight which can be conveniently carried or economically provided for, by the length which is admissible, by convenient provision for handling and protecting, and by provision which can be conveniently or economically made for strains due to recoil. Our coast defenses are not so limited in regard to any of these provisions. The naval gun is on a movable support, and can be placed in such proximity to the enemy for fighting purposes as the caliber of the gun and the circumstances of the case demand and will give the best results. The army gun is on a fixed platform, and must fight the enemy at such long ranges as the latter may select within the limits of water that will float his vessel. Many foreign governments carry the large caliber guns on their vessels, and could sometimes select positions and long ranges at which their large guns would be effective but at which our smaller guns would not be sufficiently effective.

The Army will, therefore, sometimes require the power of the larger gun, while there is not such necessity therefor for the Navy. The objections to the gun which are important to the Navy do not exist or are comparatively unimportant in its use by the Army.

The principal foreign powers have guns of 16-inch or larger caliber in their coast defenses, navies, or in both. The fact that they have them in their defenses shows their opinion on this subject. The fact that they have them in their navies shows that it is important that we be prepared to compete with their fire for the reason stated above.

This Department has never had any doubt of the necessity for the 16-inch gun, nor of the wisdom of its adoption by the Board on Fortifications or Other Defenses in 1886. Since the date of the report of that Board the history of Gun *vs.* Armor has steadily shown an increased necessity for a gun of as high power as that of the 16-inch caliber. Granting what was perhaps true nine years ago, that the 12-inch gun could under favorable circumstances—that is, at close range and with the vessel's side normal to the trajectory—penetrate any armor then in existence, or, under less favorable circumstances and at longer ranges, destroy any vessel by continued hammering; later experience shows that this is not the case with modern armor now. Moreover, the enemy will not place his vessel exactly in the position desired, as we place a plate for experimental firing, and the problem in most cases is to destroy a vessel which is doing its best to run past our batteries. Only a small number of shots can be fired from any one gun at a passing vessel, and to accomplish the required amount of hammering a great many 12-inch guns would be required. Not more than one moderately fair hit would be required from the proposed 16-inch gun to destroy or stop any vessel known at the present time. There are sites for our fortifications where one 16-inch gun should be the equivalent of a dozen 12-inch guns, and as the question reduces itself to one of dollars and cents, the 16-inch gun is the more economic gun for the work in hand.

Some of the latest experiments indicate that even with continued hammering with the 12-inch gun we can not expect to penetrate the best modern armor, and could not destroy or stop certain vessels, except by a rare and exceptionally lucky hit in some weak spot. The report of the Chief of the Bureau of Ordnance of the Navy for this year will show that in some late experiments at Indian Head it was utterly impossible to penetrate modern heavy armor with a

> 12-inch projectile, fired under the most favorable circumstances at a range of only 130 yards and with the plate held normal to the trajectory. In some cases a 13-inch projectile barely got through the plate under the same favorable circumstances. In some later experiments with a modern plate the 13-inch projectile passed through, while the 12-inch produced little effect.
>
> This Department again submits in its estimates for this year an item for the manufacture of a type 16-inch gun. After an appropriation is made it will require about three years to procure the forgings (forgings of a magnitude not heretofore made), to finish and assemble the gun, and to subject it to the tests required by law for a gun of new type. No 16-inch guns can be adopted and manufactured for service until the preparation and test of this type gun is completed. This action does not commit the Government to the adoption and manufacture of 16-inch guns for the service at the expiration of the three years if they are not then wanted. It is deemed certain that they will not only be wanted, but that they will become an imperative necessity. It would be an act of plain wisdom and forethought to advance by three years our condition of preparation for producing the guns, if wanted, by commencing as soon as possible the manufacture of the single type gun required for this purpose.
>
> It is not easy to regard with patience the conduct of Congress in making appropriations so meager as those heretofore provided for coast defenses. No business man would pursue such a course, and no prudent nation can afford to rest under such a menace.

Admiral Walker thus speaks of the necessity of coast as well as naval defenses:

> If an enemy comes on our coast and we think we are strong enough to engage him we fight. But great injuries and many accidents occur to ships in action even if successful, and we must have a place of retreat where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all the ports with the Navy, because it is impracticable to have a fleet for each seaport, or of sufficient size to cover our enormous seacoast, but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy. * * * In the present condition of our fortifications and Navy I would spend, say $60,000,000 on coast defenses and $40,000,000 on the Navy, but as the total amount to be expended for the two purposes is increased, the percentage which should go to building up the Navy would be relatively less. If I could have my way I would spend for increase of the Navy during the next five or six years, say, $60,000,000, and for fortifying our cities and harbors all that may be found necessary, working upon the general line of the report of the Endicott Board.

Although we are thus helpless, we discuss the propriety of engaging in wars with almost all nations. We have not perhaps been as bellicose within the past two or three weeks as we were some months ago, but still we have been and are seemingly ready and anxious to fight. But we have made absolutely no preparation; we are not making any preparation; we are not in a condition for aggressiveness, and yet we talk as though we are confident of glorious results when called on to meet the world. I fear that our pleasant anticipations are fanciful.

Mr. President, it is universally conceded that a gun well located upon the shore is of much more value that the same weapon upon shipboard. The reason for this is obvious. The expert gentlemen who testified before the committee differed somewhat in their estimates of this comparative efficiency. Some thought that a gun upon shore was worth three upon the ship; others said five. But the apparent discrepancy was perhaps explained by the suggestion that the conditions of sea and weather affect the steadiness of the vessel. However, it is evident that it is possible for us to guard the principal harbors and cities of the United States so that those points at least will be free from serious danger.

Lieutenant Frye makes a computation of the property which will be subject to destruction on the seacoast as matters are now situated. He says that there are 75 cities on navigable waters of the Atlantic Coast. I will read the exact language used by him:

> Tracing the broken coast line of the Atlantic, it will be found that 75 cities are situated on navigable waters, whose population reaches the aggregate of 6,640,532 and whose wealth may be estimated at $6,899,512,748. In the region of the Gulf lie 8 cities, with 354,182 of population and $367,995,098 in wealth. On the Pacific Coast 11 cities show a population of 527,223, with a wealth of $547,784,697. Along the shores of the Great Lakes are scattered 37 cities, with a population of 2,525,898 and $2,624,408,022 in property. It should be stated that these figures, enormous and almost beyond the powers of comprehension as they are, yet fall short of the actual conditions of today, since the six years that have passed since the taking of the census have been years of expansion and not of contraction. This may be shown by a single illustration. The population and wealth of Boston, New York, Brooklyn, Philadelphia, Baltimore, Washington, New Orleans, San Francisco, Milwaukee, Detroit, Chicago, Cleveland, and Buffalo, as included in the above aggregates, were, respectively, 7,050,163 and $7,325,119,357. By the latest obtainable estimates (January 1, 1896) the same cities should be credited with an aggregate population of 8,400,000 and with an aggregate wealth of $10,369,452,574.

He then proceeds to show, and, indeed, we all know the fact without any argument, that these cities and this extensive population and vast wealth are all endangered by the policy which we have pursued and are pursuing.

But it is said by some that the Navy affords adequate protection. Mr. President, if we construct a navy in accordance with the prevailing plan, it will be utterly impossible to meet any such exigency as will necessarily attend war. This very year Great Britain has appropriated sufficient money for the construction of war vessels superior in number and power to our entire Navy. Says the same authority from which I have already quoted, Mr. Frye:

> The most elementary maxims warn us that if it be worth while to maintain a Navy at all we must also have a reserve supply of ordnance and ordnance stores, and certainly we need not call on military science to tell us that our reserve of naval vessels is of no value without guns. Congress should give careful attention to the ordnance requirements of vessels that are liable to be called into service as auxiliaries in time of war, in accordance with the acts of Congress approved March 3, 1891, and May 10, 1892, providing that steamers registered under the provisions of said acts can be used by the United States as transports and cruisers. To mention no others, the *Paris* and *New York* of the American Line are now receiving large sums of money annually on condition that they hold themselves in readiness to serve the Government whenever demanded. When they hauled down the English to hoist the American flag they were receiving pay from the British Government to hold themselves in readiness to serve that nation, and the English had guns and gun-mounts ready to be put upon them at a moment's notice. We now have been paying subsidies to these ships for months, and have not a gun to put upon them.

With a war upon us our naval authorities would indeed find the situation disagreeable. In order to avoid capture, in order to avoid our ships falling into the hands of the enemy — assuming our contention to be with one of the great powers — we would find it policy to beach our Navy. We possess no protected port to which they could resort. Flight would be impossible. We have no properly defended coaling stations. As already shown, it is admitted by those who are more partial perhaps to the Navy than to the coast-defense idea that in the event of a war with Great Britain our Navy would necessarily be utterly destroyed, whereas if our great ports — New York, Philadelphia, Boston, etc. — were properly fortified it would be possible to afford protection. No one denies, none of the officers who are connected with the Navy disputes that there is grave necessity for immediate and thorough work in the direction of fortifications.

Admiral Walker's statements are clear and to the point:

> If an enemy comes on our coast and we think we are strong enough to engage him we would fight, but great injuries and many accidents occur to ships in action, even if successful, and we must have a place to repair where we have supplies and dry docks, and they must be protected by fortifications. We could not protect all ports with the Navy, because it is impracticable to have a fleet for each seaport or of sufficient size to cover our enormous seacoast; but it would be equally impracticable to protect our coast and large seaports without the assistance of the Navy.

This testimony of Admiral Walker is exceedingly interesting as showing, first, the weakness of our Navy, and, secondly, the comparative inefficiency of our so-called commerce destroyers. These vessels are not as swift as the Cunarders, White Star, and other liners. The latter can be armed with 5 and 6-inch rapid-fire guns and would then be altogether more useful as commerce destroyers than our cruisers. The cruisers can not engage a battleship or a fort, and can not catch the more rapid liners of the enemy, and are, therefore, of less value than is commonly supposed.

Admiral Walker further says (page 58):

> To put ourselves in a position to defend our seacoasts without fortifications we must expend two or three hundred millions of dollars.

In other words, it is his testimony that if we are to have a navy adequate to obviate coast defenses we must invest that enormous sum.

We have manufactured some fine guns and carriages and have partially fortified New York and San Francisco.

Congress is to blame. Our officers having the matter in charge have done everything that skill and patriotism could accomplish.

It is said by competent authority that the utmost emphasis of experience teaches that ports properly defended by powerful batteries, re-enforced by suitable auxiliaries in the form of submarine mines, torpedo boats, etc., can not be successfully attacked by even the most formidable fleet. With this view all authorities, military and naval, are in thorough accord.

We have, I might say, indisputable proof that in case of a war with England, circumstanced as we are, it would be necessary for us, as I have before remarked, to destroy our own vessels.

I fully recognize the necessity of a strong navy. Fortifications are only of value for defense. It is necessary to have a navy, not only to guard unfortified points but likewise to enable us to attack our opponents. But it is clear that we ought not to proceed one step further without providing for coast defense. We might spend ten or twelve million dollars more on our Navy and yet we will be devoid of protection.

Lieutenant Frye, in the April number of The Bostonian, gives the following significant appropriations from 1889 to 1896; in other words, to date:

Pensions	$1,003,421,486
Navy	196,721,568
Army	192,990,960
Rivers and harbors	118,214,777
Fortifications*	22,489,225
Miscellaneous	759,371,134

I quote from Wilson on ironclads in action:

> Artillery has progressed so much that cannon can be mounted on land which can pierce armor thicker than any ship can hope to carry. Considerations of weight and displacement limit the protection which can be given to the ship, while they have no such determining influence on the fort. The ironclad's armor and ordnance are limited; the fort's unlimited. How can the two fight on an equal footing? There are these further considerations, too, to be taken into account. The guns must be crowded into a limited space on board ship, where several may be silenced by a single lucky shot. In the fort a wide space can intervene between weapons, and if properly mounted each gun must be actually struck before it can be put out of action. Then, too, the fort's fire can be directed upon the ship's water line; hits here will be every whit as efficacious as upon her battery, and she can be driven off without a single one of her guns being struck. Thus, a close attack by ships upon forts has become almost impossible, though it is, beyond doubt, perfectly feasible for war vessels to run through an unobstructed channel commanded by forts, however numerous.

Mr. President, it has often been said that it is dangerous to provide fortifications and also to equip our Army properly because we may be tempted to engage in war. To this I do not assent. Says Admiral Walker:

> In the interest of peace the best thing that could be done at this time by Congress would be to appropriate liberally for the defense of the important seaports and to make liberal appropriations for the Navy.

It is clear that self-respect, to say nothing of the demands of patriotism, requires that we shall be in a position to guard our honor and our families, our lives and our property. We wish to engage, I assume, in no unjustifiable struggle, but we do not care to be trampled under foot. Our cities must not be destroyed or placed under contribution. But if we continue the do-nothing programme of the present, we must avoid all attempts to vindicate private or public right as against better equipped nations.

When General Miles was examined by the committee he was asked the following question:

> Senator MILLS. But what would prevent a fleet from setting fire to and burning a city?
>
> General MILES. They should be sunk before coming within reach of the city.

We all concur, I presume, in the wisdom of that remark.

> Besides, I think it would be regarded as a violation of the rules of civilized warfare, if a fleet should get near enough to do so, to turn their batteries on a city when they were unable to silence the batteries defending it. (Hearings, page 50.)

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*Of this sum only $10,631,000, or four-tenths of 1 per cent of the grand aggregate, has been available for expenditure upon modern forts and guns.

The difficulty about this statement is twofold. In the first place, as General Miles correctly says:

> A hostile fleet can not come within 24 miles of New York without coming under the guns at Sandy Hook, now Fort Hancock. When the fortifications are completed they could not enter Long Island Sound without encountering the land batteries. (Hearings, page 50.)

Therefore, if a hostile fleet were within the range of New York it is pretty certain that its proximity could be accounted for only because it had silenced or at least successfully passed the fortifications. It would, indeed, be a fearful exercise of power to destroy such a city as New York; but war is cruel, an irate enemy, determined upon conquest or vengeance, and panting for blood, might, notwithstanding the rules of civilized warfare, which are only binding in a moral sense, submit to the city of New York the alternative of the payment of an enormous ransom or obliteration and destruction. No nation can afford to rest in security upon the theory that the civilized rules of warfare inhibit the bombardment of a great metropolis. The desperate conflicts which have sullied the pages of history evidence the futility of such theoretical defenses. A war between the United States and either of the great European powers would mean ruin unexampled, and in such exigency our cities will be safe only if they are well guarded by not only skillful and brave men, who may be found easily and daily, but also by powerful guns, which can be built solely in expensive factories by complicated instrumentality slow of creation and easy of destruction. These great weapons can not be made by the best and most extensive mechanism save after months and even years of discipline and toil. To be safe our coast must be defended. To be defended we must provide weapons. To provide weapons we need years and money. At the present rate, according to the testimony of the Secretary of War, it will be necessary to wait for seventy years. This Congress should provide the means suggested by the War and Navy Departments, involving a decade of workmanship, for it must be recollected that if we adopt the plan submitted to us by our military authorities it will still take ten years to complete the armament. This is not very rapid work. It is slow enough, surely. If we decline to so legislate we should plainly announce that we do not intend to defend ourselves, and are seeking mercy, not demanding justice. Certainly, the present system is absurd. To appropriate a small sum which can eventuate in nothing, to postpone effective defense until the expiration of three-quarters of a century — approximates dementia. Long before our plan will have been completed the weapons created in inaugurating it will have become old-fashioned and useless. Our present system is burlesque and its continuance is a misappropriation of public funds.

IS THERE ANY DANGER OF WAR WITH A FORMIDABLE POWER.

While it is palpable that we can not justify our failure to provide adequate defenses if it be true that there is danger of serious complications with great powers, it must, nevertheless, be admitted that if such conflict is forever and certainly impossible then there is no necessity for any expenditure, and in that event we are not warranted in making any outlay whatever for our Navy or for coast defenses. While I do not think it at all probable that this country will be subject to the horrors incident to armed contests, nevertheless I see no impossibility of such an occurrence. The experiences of the past necessitate these conclusions. Take the case of Great Britain. It is but little more than a century since we separated from the mother country, not peaceably, but after the disbursement of a large amount of money and the sacrifice of many valuable lives. But a few years afterwards the war of 1812 challenged the utmost exertions of our people. Upon several occasions later on our relations were further strained. During our civil contest we were upon the verge of war with England, and had it not been for the good sense of Mr. Lincoln it is probable that she would have found occasion to engage us. The theory advanced in this Chamber that the warm fellowship existing between England and America assures peace is utterly negatived by familiar history. In the Venezuelan case the press and people of both countries manifested warlike symptoms. In this Chamber a demonstration the like of which has not been seen for many years greeted the somewhat belligerent phraseology of the Presidential message. The Cuban incident developed sentiments of an even more acrid character toward Spain, and while a contest with that nation would not be so serious, nevertheless other parties would likely intervene. Not very long ago, during Mr. Harrison's Administration, it was currently believed that a conflict with Chile was inevitable. The Nicaragua Canal project now pending before Congress will, if carried out, be followed by hostile protestations from Great Britain and probably from other powers.

In 1817 our Government and that of Great Britain entered into an agreement by which it was covenanted that on Lake Ontario neither Government should have any armed vessels except the following:

> On Lake Ontario one vessel not exceeding 100 tons burden, armed with one 18-pound cannon. On the Upper Lakes two vessels not exceeding like burden, each armed with like force. On the waters of Lake Champlain one vessel not exceeding like burden and armed with like force. (Treaties, etc., page 414, 415.)

Of this agreement Secretary Herbert speaks in his late report. Thus both Great Britain and the United States concede the necessity of excluding all considerable armed force from the Great Lakes. In other words, we have mutually agreed not to carry deadly weapons, because of the apprehension that the same might be used with fatal effect. We can not trust ourselves in each other's company. We have conceded this fact by the solemn obligations above referred to. Moreover, there is in this country a warlike spirit. The men who were engaged in the Civil War and who personally witnessed its horrors are not anxious for hostilities of any kind. That they are brave and patriotic passes without saying. They have been tried in a fiery and terrible ordeal. Another generation appears upon the scene. The national spirit has been properly cultivated, and there is much desire to whip somebody. Gentlemen who were well and old enough to fight during the Civil War, but who did not fight, doubtless because they knew their country could get along without them, and gentlemen who think they would have fought had they been old enough, vie with each other in criticising and often insulting foreign nations. We are traveling around, figuratively speaking, with a chip on our shoulder. Some of us perhaps hope that no one will take us up. But we can not be certain as to this.

If we possessed proper coast defenses and reasonable naval strength, it is unlikely that any power would care to attack us; but if Great Britain or France, or even Germany, were to declare war against the United States today and at the same time draw upon Boston and New York for a few hundred millions, there would be nothing for those cities to do but to put up the money. If this were not done immediately the appearance of a fleet in the neighborhood would compel compliance. And if the enemy felt so disposed, our Navy, so called, would be either captured or sunk. This is not pleasant to contemplate. This condition makes one unduly conservative. However patriotic we may be, it is questionable whether under these conditions we are justified in trying to resent insults. Probably we should make an effort to resist. When a weak person of spirit is grossly insulted by one who is strong he may be expected to act, and if he is defeated he at least has the satisfaction of knowing that he was brave, though indiscreet. This makes him feel better while he is undergoing repairs.

We all observed that the New York newspapers did not take kindly to Mr. Cleveland's Venezuelan message. We can not wonder at this. Some of those newspapers possess very fine buildings. If the anticipated war with England had taken place many of these edifices might have been destroyed. The English admiral would have trained his guns by way of experiment upon these massive, elegant structures. The same journals have been, it is true, disposed to fight Spain, but that is because they feel safe as to Spain, having faith in our ability to better that nation on either land or sea. The circumstance that powerful governments have heretofore treated our bantering good-naturedly or at least have declined to invite us to the field is no evidence of what may be done. A nation as well as a man may have, as Cervantes says, "a face like a benediction," and yet there may be savage preparation in progress. We can not give a good account of ourselves without modern arms, vessels, and fortifications.

Mr. President, the amendment proposed by the Senator from Maryland [Mr. GORMAN] with reference to the battleship question has suggested to me the propriety of making these remarks, not because I am opposed to the navy idea, but because I wish to call the attention of the Senate and the country to the manifest necessity for the adoption of a different policy in the matter of national defense.

I have referred to the circumstance that Great Britain, with her powerful naval force, does not ignore land defenses. She has taken pains at all times to provide adequate fortifications for the protection not only of her cities, but also for her navy and merchant marine. Her navy has been constantly increased and her land defenses augmented and multiplied.

She has not ignored her cities, harbors, and coaling stations. Nor has she in any respect followed the unreasonable plan adopted here. We declare our willingness to rely upon our Navy, and also assert that we are a brave people prepared at any moment to meet any exigency that may be thrust upon us. But we do not possess supernal power. Perhaps if we were compelled to face a foe in hand-to-hand combat as in the olden time, or if we could successfully use weapons of easy manufacture, the case would be different. But when we reflect that it takes months and even years to construct a single gun, when we remember that while the process is going on widespread destruction will have overtaken us, we begin to appreciate that our conduct is essentially unbusinesslike.

It appears to me that the committees having these matters in charge should either abandon all effort for coast defense or provide sufficient money to permit the adoption of a course suggested by common sense.

CUBAN INTERVENTION

Speech Delivered

In the Senate of the United States.

Saturday, April 16, 1898.

The Senate having under consideration the joint resolution (S. R. 149) for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the Island of Cuba, and to withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect, reported by Mr. Davis, from the Committee on Foreign Relations—

Mr. WHITE said:

Mr. President: I recognize the solemnity of this occasion, the most momentous that within my brief day has challenged the attention of the American people. To its solution there should be brought the best intellectual capacity of all who have the obligation or right to act, and the judgment rendered should be uninfluenced by aught else than the dictates of justice. The high duty which we are called to perform will test our qualifications for the trust committed to our keeping. It is disagreeable, to use an expression scarcely forcible enough to cover the occasion, to dissent from the common view — to antagonize a general but suddenly formed conclusion. It is pleasant to receive the plaudits of our fellow-men.

The approval that evidences the concurrence of the public inspires us all, adducing unfeigned delight that conscientious thought has permitted us to take action in accordance with the general view. Confronted by these considerations and thoroughly appreciative of the good will of those by whom I am surrounded, I can not avoid the fact that there stand on the other side suggestions of the most solemn obligations. These I must interpret for myself. There is for me nothing save to express those conclusions which my conception of right have caused me to form regardless of personal interest. I can less easily depart from the pathway thus demarked than sacrifice my most cherished and dearest surroundings.

Nay, Mr. President, the terrible responsibility which requires our attention is beyond all things merely personal or individual. We are here to do the right, no matter what ill shall attend us. We are here compelled to make history; not vaingloriously to seek to transmit our names to posterity, but to write the record of a nation which we love beyond self, a record which we should so make that when we have passed away will shine bright and unchang-

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Note.—This speech has been said by many who had the pleasure of hearing it delivered, to be the most eloquent of Senator White's efforts. Indeed, many expressed themselves as believing that it was the most eloquent of any speech delivered in the Senate for years — some say, since the Civil War.

ing in the full radiance of the intellectuality and morality of enlightened men.

Mr. President, what are the questions here? We witness, but slightly removed, a scene of war. The intervening distance is hourly diminishing. I agree that the conditions are such that it is almost useless, perhaps absolutely so, to urge a pause or to attempt to retard the warlike tendency. But it will not be amiss in this moment of excitement, this hour of exaltation, this time of unreasoning patriotism, to delay an instant and to reflect upon the nature of the act about to be done and the consequences certain to follow.

The situation is of mighty import. It is no waste of time to portray it with impartiality and candor. The acts here done will live as long as freedom — as long as justice shall be administered among men. We must be warranted not by an excited populace, but by wise decrees of unimpassioned history. I regret that under these circumstances, either in the report of the Senate committee or upon this floor, expressions have been used indicating prejudice and savoring of revenge. I regret that the debates in this Chamber should refer to stale events transpiring under Spanish influences more than three hundred years ago, or that the committee should have spoken of "the duplicity, perfidy, and cruelty of the Spanish character, as they have always been."

Mr. President, the right to make such charges we have waived. We have accepted a seat with Spain in the family of nations. She has not been excluded from our sovereign society. We have thrown around her the arm of fraternal friendship and seized her hand in affectionate clasp. We have received her ministers, sent ours to her court, and in all respects declared to the world our friendship for her. During our great Exposition we invited her representatives to our shores. The Infanta Eulalia was received with almost unexampled honors — greater, perhaps, than were accorded to the envoys of other countries. We are estopped to seek a cause for estrangement in the wrongs of departed generations. The present difficulties must be determined in the light of actual conditions, without reference to the transgressions of antiquity. Any other treatment would be undignified and even puerile. Let us meet the momentous questions presented to us in the light of their peculiar and legitimate surroundings. As rational men we can afford to treat as immaterial and unfortunate the references to the Duke of Alva and the Inquisition. We will not, I presume, pretend to free Cuba or to attack Spain because of these iniquities.

Mr. President, no one doubts that Cuba has been misgoverned. No one doubts that many places and many peoples in this world have been misgoverned. No one doubts that this great Republic is potent enough to defend herself in any engagement. I cordially indorse the utterances of the Senator from Colorado [Mr. WOLCOTT] with reference to this topic. There is no glory to be gained by the United States in a war with Spain. Intrinsically and as far as war itself, disentangled from other propositions, is concerned, no fame will be won by us. Spain is weak. She no longer commands the sea or dominates the land. In the march of events — by forces beyond her control — her foreign dominions have been taken away. She has been shorn of the possessions which she acquired by her enterprise and her valor. She has lost nearly all these, until she stands today in the presence of her woes, the Niobe of nations. Her financial embarrassments, her shattered treasury, her army reduced by disease and hunger, her navy of indifferent strength, her resources lessening daily — she is, indeed, but a remnant of the Spain which wrested the Alhambra from the Moslem.

I do not fear her. No American fears her. There is no rational question of the outcome of the impending struggle. It must be victory for the American people. But, Mr. President, powerful as we are, with millions of freemen ready, whatever may be our personal views, to spring to arms and to give our every dollar and the last drop of blood to vindicate our nation's honor and defend our flag; with our fertile soil budding and blossoming with products of luxury and necessity over an almost limitless area; with all the gifts and blessings of nature about us in rich profusion — our possession and our heritage — we are great enough to do justice.

In the early days of this Republic, in the dawn of our nation's life, a great statesman said with truth that he knew of no spectacle more sublime than that of a powerful nation kneeling before the altar of justice and sacrificing there alike her passion and her pride.

Here we can rest an instant to look upon conditions as they actually exist, and to write in compliance with verity a record which in cooler moments will be scrutinized by our children, who will ask themselves whether we were right. There may be no recall for our error. There can be no excuse for a mistake easily detected or direful in result.

The President of the United States, charged by the Constitution with the conduct of our diplomatic affairs, has been earnestly and actively engaged in attempting to bring about order in Cuba, followed by the independence of that island. It is my opinion that if he is permitted to pursue the course he has marked out for himself, if we let him alone, Cuba will be free, the *Maine* incident will be justly and honorably settled, and not one drop of American or other blood will be shed as a result of present estrangements.

But we are to have war. Every Senator who has spoken declares so, and in the same breath deprecates such a consequence. In beautiful language, in phraseology I will not attempt to rival, Senators have depicted here the atrocities of warfare. Who knows them not? Who has read the story of man and has failed to sicken at the ghastly spectacle of the battlefield?

> Lo, the giant on the mountain stands,
> His blood-red tresses gleaming in the sun.

When did reason assign to brutal conflict the settlement of any dispute? What true Christian ever willingly consecrated to the arbitrament of brutality issues involving rectitude and honor? War is the last resort. If wantonly resorted to it is wholesale murder.

There are times when settlement is impossible, when every reasonable offer has been spurned, and when the welfare and honor of individual and people alike demand that the sword shall be drawn. But the cause must be evident and undeniable. All other solutions must have failed. The nation that rushes into war in hot haste has not drank of the fountain of wisdom. When I was a child but some 8 years of age, the horrors of internecine strife broke upon the

United States. Shattered forms, some of them in this Chamber, ruined homes all over the land, men and women mourning for those holier to them than property or life, furnish proof even now before the world that—

> Elemental rage is tame to the wrath of man.

Nearly a million names upon our pension roll rehearse the story more graphically than human lips may depict it, and demonstrate how much of ill effect remains more than a third of a century after the storm has passed. This is but an instance. All history is thronged with examples and is pictured with the terrible experience. Senators conceding all this yet say that war must come, because our honor shall not be impugned, even though a desperate struggle may be forced upon humanity.

I agree that there are occasions where an appeal to arms alone remains. I repudiate the calumny that those who do not find a reason for extreme measures here are for "peace at any price." This slanderous charge emanates from the thoughtless or insincere. I am for war only when it can not be honorably and wisely avoided. I am against war where the desired legitimate results can be otherwise attained. I am opposed to precipitate action. In the presence of such a possibility those charged with grave responsibility should be patient as well as firm, just as well as courageous. A delay, even if compelled by an opponent without candor, is better than unnecessary hostilities.

I propose in a very general manner to examine the alleged grounds for the action we are asked to take by the Committee on Foreign Relations. We are told that the abhorrent conditions in Cuba have been a disgrace to civilization, and have culminated in the destruction of the *Maine* and 266 of her officers and crew, and that the conditions prevailing can not longer be endured, as has been set forth by the President in his message of April 11, 1898; and hence we are expected to declare that the people of Cuba are, and of right ought to be, free and independent; that this Government demand that Spain at once leave the island, and that this demand be enforced by the President. The Executive, in the message referred to, merely sought authority to take measures to stop hostilities, establish a stable government, and to use the Army and Navy, if needful, for these purposes. All concede that Spain will not yield to these demands.

Mr. President, a Senator has said that the *Maine* incident alone or the Cuban inhumanities alone might not be sufficient to precipitate war, but that conjointly they render this outcome unavoidable. Our people have never been so thrilled as when they learned that their great and beautiful ship in the harbor of Havana had been torn to pieces and that the bodies of loved ones had been driven into the mud and mire of an alleged peaceful haven. They were not and are not in a condition to take a judicial view. The public heart was fired, and the demand for vengeance echoed and ochoes from every hill. It is borne from the shores of the Pacific far inland; it does not pause on the summit of the Sierras; nor does it lose its resonance upon the crest of the Rocky Mountains. From ocean to ocean it thunders, and on the stormy Atlantic tells in the language of a common kindred its uncompromising resolve.

Pause a minute, Senators, and ask yourselves: Is there, even under these circumstances, no possible solution except that of arms? I will not discuss the evidence as to the destruction of the *Maine.* I will not go over the reports of the American and Spanish boards. I may not entirely agree with everything which has been said concerning them, but I do not intend to make this an arena for such a disputation. I assume, as it is my duty to do in view of the position of my Government, that the report of the American board is correct. But shall the adverse party be absolutely prevented from questioning this conclusion? Senators say that Spain has virtually admitted the act. No such confession will ever be found by the impartial investigator. Spain denies that she either directly or indirectly did it. The President, declaring that the naval court of inquiry has the unqualified confidence of the Government, says of that report:

> It did not assume to place the responsibility. That remains to be fixed.

He then declares that the *Maine* incident discloses an intolerable state of affairs in Cuba, informs us that Spain assures us that she will do all that the highest honor requires, and that she proposes—

> That the facts be ascertained by an impartial investigation by experts, whose decision Spain accepts in advance.

To this communication no reply has been made. No ultimatum has been issued by us; no final demand regarding the *Maine;* no refusal to arbitrate. The President does not find any cause for war here. But it is said war alone will atone for the *Maine.* Neither the question of liability nor indemnity can, it is asserted, be considered. Assuming a crime was committed, who are the guilty persons?

General Lee says that he does not believe that General Blanco had anything to do with it or had any knowledge of it; that when Blanco heard of it he cried; he seemed to regret it as much as anyone. Well might Blanco regret it. He knew, as the world knows, that such an act upon the part of Spain would be madness. General Lee, who was on the ground and observed the *tout ensemble* of the situation, said he was confident of Blanco's sincerity in grief. But at all events it is vehemently averred that this was an external explosion; that it was the result of the act of a Spaniard, an officer of Spain, and the penalty of his deed, under the laws of nations and the dictates of justice, should be visited not only upon him but should likewise be inflicted upon Spain. And for this we must resort to war. No indemnity will suffice or be accepted.

Senators have said no indemnity can reach this case. What can reach it? A few years ago in an Asiatic empire there were several missionaries murdered. Three great nations demanded that the guilty should be punished. Ten or fifteen miserable wretches were seized, bound and placed side by side, and beheaded. Perhaps some of them were guilty. At all events, they were offered in atonement. One of the nations involved objected that there were still others who had been participants in the original crime, and the officer in charge of the province, desiring no foreign complication, ordered out other victims and beheaded them likewise, remarking to the insistent foreigners, "Is there anything else, gentlemen, that I can do for you?"

Are we, Senators, to solve the *Maine* issue upon this atonement theory?

Upon what principle are we to act? Is there any question as to how the dispute should be settled? If it was the deliberate act of an individual and by any process of investigation we could discover that individual, it would be our duty to follow him up and to demand that he should be delivered over to impartial justice. But we do not know the perpetrator. We can not identify him. We insist, however, that Spain shall be punished as a criminal and that barbaric methods shall be invoked.

Mr. President, in cases such as this there is no settlement worthy of the age save the imposition, if the facts be proven, of a liberal and commensurate indemnity and suitable admission of the propriety of our demands.

I would not waive indemnity. Such a waiver would be in the interest of Spain. Assuming that the *Maine* was lost under circumstances involving that Kingdom, a sum commensurate with the deed should be exacted. If you decline indemnity, what are you to do? Shall we train our guns on Morro Castle, upon the city of Havana, drop our shells upon the innocent, and send to eternal judgment men, women, and children who knew nothing in advance of the *Maine* disaster and are not guilty unless their mere presence in the island makes them so? Will you invade Spain? Will you carry the sword of conquest to her capital city and destroy her as would the conquerors of old? Surely such conduct would be antagonistic to the teachings of Christianity. But I am told, "As a penalty, free Cuba."

But, Mr. President, if you admit that there is to be a penalty at all susceptible of justification, you must concede that it should be exacted in accordance with the rules and laws of civilized peoples. You can not justly free Cuba except upon the merits of her claims. If she is entitled to freedom, her argument must rest upon its own merits. The day for an eye for an eye and a tooth for a tooth, if it ever existed, has passed away. Such a doctrine can not be taught, save by a heretic, from the pulpit of civilization. Surely no human being in this enlightened age wishes to slay an innocent person because of the misconduct or crime of another. Shall we find consolation in the mangled forms and destroyed property which will follow our invasion? If this be true as to the injury we are to do the Spaniard, what shall we say of our own people? Who shall ever pay for the stalwart and brilliant American manhood to be sacrificed? For these no money can be paid or indemnity exacted. If our heroes must die, let it be in an unavoidable conflict, not in a case still under negotiation and where there is a difference of opinion as to the facts.

There are times and hours when such calamities must occur. Such times have been; they are not forgotten in the glorious records of human prowess. But the time is not now. Upon what do you rely to justify war, Senators? Who is the President of the United States? I am not of his party. I need not call attention to that fact. But he, as our Executive, charged with the duty of administering diplomatic affairs, in a state paper which will remain here as long as the archives of this Government endure, has stated your case. Before the world today, tomorrow, and after, is and will be that statement, made within the Presidential jurisdiction — a statement emanating from the loftiest station known to our system.

What does he tell us? He informs us in appropriate and plain words that the *Maine* matter is the subject of diplomatic negotiation; that he has forwarded a note to Spain and that Spain has responded, declaring that she is willing to submit the matter to an impartial tribunal and to accept its verdict as final. To that proposition no reply, no demand, has been made. We have not officially insisted that Spain must do any particular thing in consequence of the *Maine* incident. She denies that she is guilty, and because she so denies we are told *eo instanti* arose a *casus belli;* that because she negatives the charge in the indictment she can not be heard before any tribunal save one of our own creation. Such is the proposition upon which you must act.

In the council halls of reason, in that tribunal where a single nation does not dominate, but where civilization asserts itself and justice and manhood prevail, it will be held that there has been no judicial investigation of this subject, and this will be the verdict of history, regardless of the report of the Committee on Foreign Relations. No man can judicially investigate the case of one he loves and honors, and who has died, according to common report, by perfidious hands. Can one so interested impartially try the accused? Our own jurisprudence is builded on other and more rational lines. Human nature is too weak, its infirmities too obvious, to permit under such conditions that impartiality which alone makes a judgment final in the opinion of the able and the just. No investigation has been conducted with "judicial thoroughness and deliberation," the Committee on Foreign Relations to the contrary. No such judicial thoroughness is being displayed here. We are rushing along at a rate to make familiarity with the record an impossibility, and are given less time to examine issues involving war than is ordinarily accorded to a litigant in an unimportant matter.

For a moment let us consider the other phase of this unhappy dispute — that which seeks to justify our invasion of Cuba because of the inhumanities which have been practiced there. The President feelingly and forcibly alludes to the barbarities which he hopes to terminate. He attributes the extraordinary suffering to Weyler's reconcentrado order, but at the same time there is transmitted to us correspondence from our consuls in Cuba showing not only that the reconcentrado order has been vacated, but that the insurgents have themselves interfered with the ability of the people to earn their bread. From these reports I make the following extracts:

On page 28, Mr. McGarr, at Cienfuegos, says:

> Small predatory parties of insurgents make frequent attempts to fire the cane fields, and it requires constant and active vigilance to prevent their destruction.

On November 1, 1897, Mr. Brice, at Matanzas, reported (page 29):

> A general order has been issued allowing reconcentrados to return to the country, but the restrictions placed in order are such as to practically prohibit. If they went, what can they do without money, food, or shelter? Only those

> who can obtain employment on sugar plantations can live. Insurgents say no one will be allowed to grind in Province of Matanzas.

The same consul, on December 7, 1897 (page 30), reported:

> A few plantations are grinding cane. In every case they are heavily guarded by Spanish troops and have paid insurgents for so doing. Was shown a letter from insurgent chief to owner of a large plantation, in which price demanded for grinding was 2,000 centones ($10,600 United States gold). It was paid.

On page 33 of the same report there is a copy of an order issued by Calixto Garcia, of date November 6, 1897, in which it is stated:

> All persons who come within our lines commissioned by the enemy with proposals to submit to Spain will be tried and punished as spies.

Mr. Hyatt, at Santiago de Cuba, reported on December 5, 1897 (page 34):

> Mr. Rigney, an American sugar planter near Manzanillo, was preparing to grind during the coming season. A few nights since the insurgents fired seven cannon shots among his buildings, one ball passing through the roof of his house. Americans were hopeful that they would be allowed to make their crop, and several are making ready to do so; but the action of the insurgents toward Mr. Rigney gives the problem a doubtful aspect. It may have been a personal matter against Mr. Rigney.

The same consul, on December 14. 1897, reported (page 35):

> The order of reconcentration is now practically wiped out, and, so far as the Spanish Government is concerned, men go about nearly as they please. The insurgents and their sympathizers will unquestionably take advantage of the revocation to get from the towns and cities what they need, and otherwise strengthen their cause.

On January 12, 1898, Mr. Hyatt reports (page 38):

> I had hoped that after the reconcentration order was revoked, through the energetic action of the present Administration, we would find no trouble in reinstating American industries; but it appears that all of the benefits that should have accrued to our citizens are thwarted by the action of the insurgents, who refuse to allow them to return to their sugar, coffee, and other estates. The Pompo manganese mines, owned by Americans, which would at the present time be a very profitable investment if allowed to operate, are also being held up by the same power.
>
> The three Revery brothers, who I informed you recently I was about to assist in returning to their coffee and fruit estates, got there only to find they could not go to work until permission was obtained from the insurgent commander, which permission seems doubtful, I myself, as I understand my duty, being inhibited from rendering them any assistance at this point.

Mr. Hyatt likewise reported on January 31, 1898 (page 40):

> On Sunday morning the regular passenger train on the Sabanilla and Maroto Railroad, when 5 miles out of Santiago, was blown up by dynamite bombs, exploded by electric wires; two cars were shivered in atoms. Five passengers were killed outright and twenty-two badly wounded, some of whom have since died. It is thought by some that the insurgents believed that Captain-General Blanco was on the train; by others that they merely wanted to notify the General that they were around and attending to business.

This, it will be observed, is the condition of things prevailing after the reconcentrado order has been vacated.

On February 1, 1898, Mr. Hyatt again forwarded a report (page 41). He said:

> General Blanco's mild and humane policy meets with but a feeble response from his own followers, while the insurgents laugh at the old man who throws sods and grass instead of stones.

Mr. Barker, at Sagua la Grande, on November 20, 1897 (page 46), reported as follows:

> As to grinding the present crop, I have interviewed most of the largest planters in this consular district, who stated that unless assured of immunity from the insurgent chief — Gomez — they would not jeopardize their property by attempting to grind.

On December 15, 1897 (page 49), he further reported:

> Thinking it may interest the Department, I have the honor to transmit herewith clippings from a leading Spanish journal published in Havana, * * * calling attention to the inability of the mills to grind in the Province of Santiago de Cuba, which is one of the obstacles to grinding in this (Santa Clara) province, were the planters able to pay tribute required by the insurgents.

Mr. Barker, on December 28, 1897 (page 50), states:

> To grind this cane without interruption would be the means of saving the lives of thousands who, without this or outside aid within the next thirty to fifty days, must die of actual hunger. Over a month since the planters were officially advised of Spain's inability to provide protection in order to operate their mills. This leaves the sugar growers entirely in the hands of the Cubans in revolt, as to whether they will be allowed to grind without hindrance or fear of total destruction of their property. I know that strict orders have been given to subordinate commanders under no circumstances must mills be permitted to grind, under penalty of violation of the order destruction of property.

The people of Cuba have indeed had a hard time. Apart from personal perils, they have also been forced to pay onerous taxes and to submit to the most extravagant impositions — a state of things for which Spaniards and insurgents seem to be both responsible. I am informed by authority which I deem good that all the sugar mills in Pinar del Rio, Matanzas, and Havana were closed by the insurgents, each factory having some 500 men dependent upon it.

This was a measure of war. I am not challenging or discussing the propriety of it. War is not sympathy — it does not beget comfort or happiness. In our civil conflict we learned something of it. I have read in the records of that period, which our Government is publishing, letters from those who belonged to the respective armies giving accounts of fearful suffering too horrible to describe and incident to the remorseless business of carnage. Death amid the lurid fires of destruction has been, not only in Cuba but in many other lands, the common attendant of war.

It appears plainly enough from the President's message that there were two leading reasons for Cuba's suffering. One was the brutal order of Weyler and the other was the conduct of the insurgents in refusing to allow people to go abroad and produce or procure the necessaries of life, as shown by the reports which I have read.

Mr. President, I shall endeavor in a moment to show by the President's message that Spain, instead of ignoring, has been yielding to our demands and that we waited while the obnoxious orders of Weyler were in force, and are now demanding war when the spirit of concession seems to be abroad.

But I will digress a moment to consider the specific resolutions before us. The President, in the light of the facts alluded to in the consular reports, concluded that the condition of affairs in Cuba was such that there was no government which he could afford to recognize. The majority of the committee, in addition to the preamble, reported the following:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* First. That the people of the Island of Cuba are, and of right ought to be, free and independent.
>
> Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
>
> Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

The minority propose this:

> The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

If we concur with the general situation outlined by the President, if we accompany the majority of the committee, we can not escape the conclusion that the amendment of the minority is right, and that the Republic of Cuba, not the people of Cuba, are entitled to recognition. It must be understood that I am opposed either to a declaration of war or to resolutions which must bring war. I hold that there is nothing which we are legitimately entitled to seek which can not be obtained by diplomacy, and that Executive successes warrant this conclusion. But if we must acknowledge the independence of either "the people" or the "Republic" of Cuba, I favor the latter. If there is any governmental organization in Cuba, outside of that of Spain, it is that over which Masó presides. The report of the committee shows this, and if it does not establish that the insurgents have a Government, it fails altogether. I might add that I cordially agree with the Senator from Wisconsin [Mr. SPOONER] that the power to recognize is an Executive function. I elaborately discussed that proposition upon another occasion. But the Senate, it seems, is determined to recognize one of two organizations, and we must all make our choice, whether we do or do not favor either.

I have no suspicion with reference to this subject. My conclusions may be wrong. I have been mistaken more than once. I accord that absolute concession of independent judgment to my neighbor that I demand for myself. But I fear that a grave error is threatened.

Assuming the position taken by the majority of the Senate, how can it be that the people of Cuba are free, but without a Government? Is there a monarchy in Cuba, Mr. President? The majority's resolution denies it. If the people of Cuba are free, what is the character of their Government? From the circumstances of the case, it must be a Republic. If you mean that the people are free, you mean that Maximo Gomez and those who follow him have been successful. The people of Cuba are not free, certainly, disassociated from the Republic of Cuba. Who are the men who have struggled for their freedom — the men who have hidden in the swamps, sought refuge in the forests, passed through labor and travail to accomplish the existence of a nation? If Cuba is free — and you say so — it is the insurgents who have made it so, and their Government, the Republic, is the representative of the people. Then why not recognize the Republic, if you insist upon some recognition?

What is the meaning of the word "people" as here used? In this sense the word means a nation. It is a political entity. It is not a nomadic band of disorganized adventurers or inhabitants without a head. There can not be a free people composed of scattering tribes or individuals with diverse objects waging local disputation, each contesting with his neighbor. If the word "people" is at all appropriate, it means the physical expression in governmental form of the concentrated power and will of those who inhabit the territory involved. Such an organization alone constitutes in diplomatic phrase a people. Why not, therefore, identify the Government which you wish to recognize? Why should there be any question here — any doubt to perplex us in the future?

If you are determined to expel Spain from Cuba; if you are determined to contend that violation of the Monroe doctrine is desirable and that it is wise as well as just to invade Cuba; if you are willing to repudiate the precedents of our history and the teachings of the fathers, be nevertheless consistent. Do not go to Cuba without a declaration of what you intend to do. Do not go there without placing upon your banner in indelible and certain language the object you seek to attain. This looks like a war of conquest. For the first time in our history we are to engage in the avocation of either subduing a state or of making a Government.

Every member of this body admits that war should come only as a dernier resort. Then do not invoke it, save only in the cause of that liberty to which every Senator here declares that he is willing to pledge his life; but do not compel it merely because Spain for so many months declined those concessions which she is now making. Even if she is slow, or, as is said, evasive, every hour brings us nearer to the end we all covet. She is gradually acceding to our suggestions. Is there any question as to the ultimate action of those who may seek to carry out the mandates of the majority resolutions?

I attribute no ulterior motives, but able and patriotic men here and elsewhere have construed these resolutions as meaning that something may occur not in accordance with the wishes of any of the American people. Those who approve of intervention do not consent that the insurgents shall be ignored or that we shall be foreign state makers. Let the language, if you must pass any resolution, be plain and simple. Let the words be such that they can not be misunderstood. Now that attention is called to it, there is no excuse for ambiguity. And out of all this horrid work — if we are to plunge into bloody scenes — let us at least evolve something like a real Republic. The President well says that forced annexation would be criminal aggression. Have a care that this does not result.

Oh, if it should happen, which I trust can not be, that after a conflict involving the taking of life, the weeping of widows and orphans, the deprivation of limb, and the sacrifice of the flower of our flock, it should appear that we had waged a war of conquest, and that the permeating motive was not patriotism, but sordid avarice, what a desecration, what a disgrace to the American name! Let us have no doubt about this. We all agree that improper motives are absent, but our phrases will be the subject of ruthless investigation, and the vast importance of the occasion suggests consummate prudence.

I agree, as I have said, with my friend from Wisconsin [Mr. SPOONER]. He and I have discussed the subject here before that the Executive has the power of recognizing independence. I concur with him in disapproval of language which directs the Executive — a co-ordinate branch of the Government. But I do not design to reopen that issue, so ably treated by that distinguished Senator. I repeat, if we are to have recognition at all — and I believe that subject should be left to the Executive — let it be the only recognition for which there is the slightest argument, that of the Republic of Cuba.

Mr. President, whatever we are to do, I repeat, let it be obviously definite, specific, positive, so that this work may not be worse than it must be.

The majority of the committee have stated as follows — I refer to the report, page 19 — in speaking of the insurgents:

> They have not been subdued. The autonomy proffered was specious and illusory. It has been rejected by the insurgents, not because it was specious and illusory, but because they will accept nothing short of complete national independence. The suggestion of a more complete autonomy has also been rejected by them. They declare to the United States and Spain alike that no terms short of independence which those powers may attempt to prescribe to them will be accepted. Spain refuses to grant independence.

Thus the committee notifies the world that the Cuban insurgents absolutely decline to accept anything short of independence, and that independence the committee does not intend shall be granted. They have placed the insurgents before us as men who will not voluntarily allow the intervention which this resolution professes to extend. The President asks for authority to establish a stable Government. He makes no tender to the insurgents. He seems to recognize the peculiarity of such a course in the light of our non-intervention history.

Senators, you who believe in intervention as being warranted in the name of humanity, and who are satisfied of your jurisdiction and insist upon immediate invasion, study this platform upon which your country must stand with painstaking devotion. Declare not that a people are free, but give that people a name. Nowhere in the narrative of man's transactions can there be found recognition such as this — so threatened and so defended.

Mr. President, returning for a moment to the second point, as to the propriety of our interference upon grounds of humanity, let me call your attention to the diplomatic situation. Our attitude is shown more particularly by the Presidential message. The President of the United States has informed us that the order of reconcentration has been vacated. The consular reports cited are to the same purport. We learn that that order to which we attribute terrible suffering has been set aside. The consular reports advise us that the partial failure of this late humane act is largely due to the intervention of those who are contesting with Spain. There is now no order of reconcentration. In response to an intimation from the President, General Blanco has been required to suspend hostilities. The bloody mandates of Weyler are all merely history.

The demand of the Executive that they should be revoked and vacated has been affirmatively met. If the details are incomplete, the tendency of the present Spanish policy is toward a reversal of her former plan of campaign. You are, therefore, before your fellow-men with the only grounds upon which you rely for intervention swept away from you in response to Executive and popular demand. The *Maine* incident, I have said, is not closed. It is a subject in dispute, with an offer from Spain to arbitrate, to which offer we have not responded; nor, indeed, have we made — as I have heretofore observed — any demand whatever with relation to that calamity. Here is our complaint, the basis of our international action, upon which we must justify an attack, met by concessions from Spain. There is not one syllable in the Presidential message to indicate that it is useless to go further. If any such inference could be drawn from the body of the document, it is expressly negatived by the postscript, which shows unmistakably that the matter is *in fieri*, that it is still in progress. That debate has not been terminated. The President's language is as follows:

> Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.
>
> This fact, with every other pertinent consideration, will, I am sure, have your just and careful attention in the solemn deliberations upon which you are about to enter. If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

But we must have war anyhow. Our people want it. It is necessary for us, and so it is to come. Such is the unreasoning language of not a few. But I trust that if we follow such advice we will not proceed upon any basis marked out in the resolutions which are before the Senate.

Years ago a man was appointed from England to a judicial position in India. He fulfilled the duties of his office ably. He was known as a great jurist. His practice was to enter judgment without comment. But he lost his head and filed an opinion. He was at once removed. The resolutions under discussion, thus hurriedly constructed I regret to say, must remain, not for a day, not as a private affair between litigants, who generally lose their individualities and seldom transmit the memory of their wrongs, but your decision will be here photographed as long as society and government continue to be. The reasons which you assign must be those which history will justify under the most rigid scrutiny. If you are determined to fight, if you think, considering the whole situation, there ought to be a war, why not make a naked declaration to that end and proceed without the assignment of reasons which, I fear, will in calmer moments be considered inadequate. We have heard in this debate able men eloquently attacking these resolutions. Their arguments will be more patiently examined hereafter.

Walk upon our streets. We find one man saying war ought to be declared upon one ground, and another who says it ought to be declared upon a different account. The situation must be dubious when the friends of action find it so hard to agree, so difficult to justify.

I repeat, that I fail to see in the light of a careful and painstaking investigation that the end has yet been reached and that argument must be supplanted by force. But for Heaven's sake, make this record clear upon its face at least. Do not so construct it as to disclose any inherent weakness unnecessarily.

Oh, I am told, we are powerful and unconquerable. True. We are mighty. From one end of this great Republic to the other there are in this exigency only united hearts, which argumentative differences can not sever. There is not one who will not aid in defending our common flag. Our resources are boundless; the courage of our people undenied. Granted that we might subjugate the world. There is something beyond that. This, we are proud and prone to claim, is the Republic of the ages. Here is realized the dream of the ancient philosophers who led the vanguard of progress; those mighty few who sought to solve at too early a day the intricacies incident to a free Government organized so as to conserve and advance society. Are we to render a verdict justified only by an appeal to power? Shall ours be the barbarian's plea? No, I repeat, a thousand times no! I plead for a determination that will through all the years be approved by those who, knowing the truth, love it.

Mr. President, we have been told that other nations would not have submitted to the *Maine* and other experiences which have been ours. Without further discussion I will concede the assertion, though it might be questioned. Many of the powers of this world — alleged civilized nations — have violated every canon of rectitude and with gory sword have cut pathways for their armies through many opposing ranks and have raised the savage voice of triumph above the lamentations of suffering womanhood and childhood. They have erected their Governments over the ashes of departed races. The corner-stones of their institutions rest upon human pain and human sorrow. Shall we follow in the wake of such as these? Surely not.

I may be censured for my opinion. Slow in my judgment though I be, I will not involve my country in a controversy which does not meet the entire approval of my conscience. No blame, no condemnation, will ever force me to bring on a conflict which I deem unrequired by any demand of the highest honor or loftiest patriotism, and which I consider in every sense premature, contrary to foundation principles, and establishing a precedent upon which we may be seduced from those moorings where the ship of state has safely ridden since the days of her first illustrious captain. I do not care what other nations might do or may have done. I do not take advice from them. The higher mission of our Republic should beget higher resolves, and weak or great, we should apply the same rules to all.

Witness the face of nature as it illumines the loftier walks of civilization wherever on this earth the banner of Christianity and advancement has been borne. What language does it speak? It talks words of peace and good will. Men may violate the precepts of right, but the tide of progress will flow ever onward toward better things. Whenever this Republic, acting in the interests of justice, shall demand that a foreign Government must acquiesce in that which we can properly demand, that decision I am willing to enforce. When an exaction is insisted upon, I am prepared to maintain our ultimatum at whatever cost. Otherwise the Government must finally fail.

But I will not continue. I might say much that is pertinent along the same lines. I love liberty; I aspire to witness the betterment of man everywhere. But I see plainly that in this instance our just ends could be achieved by peaceful methods. I care more for my own than for any other land. I will not voluntarily, without imperative circumstances, force new problems upon her or permit her to be allured from considerations of grave domestic concern.

Mr. President, those of us who dissent from the attitude of the majority here, and who think that the time has not arrived for the fierce arbitrament of the sword, entertain no doubt as to the issue. We know that our flag must triumph. We know that it must win on land and sea. There will be no dissenters in the camp. This is our council hall. In these Chambers, in connection with the Executive, are solved all questions of peace and war.

We have our opinions, deeply rooted, perhaps, and firmly set, but we are all Americans. The flag that floats above this Capitol is the flag of the whole people. The individual theory must, after our vote here, be subordinated to the judgment of the majority. When that judgment is rendered there is but one view that can prevail, there is but one course to pursue. Shoulder to shoulder, hand in hand, we march forward with equal step to vindicate the conduct and the action of that Government which we believe to be the best that Almighty God has permitted in all time.

Upon the morrow, when this fearful crisis shall be upon us, in evidence of faith and loyalty and union, let there float from every housetop in the United States the Stars and Stripes.

WAR REVENUE—EQUAL TAXATION

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

May 26 and 28, and June 4, 1898.

The Senate having under consideration the bill (H. R. 10100) to provide ways and means to meet war expenditures —

Mr. WHITE said:

MR. PRESIDENT: The consideration of the present bill has naturally enlisted the attention of the country. There are those who are restless because a final vote has not been had. But it must be remembered that there are many features of the proposed legislation which are peculiar. The revenue act under which the war between the States was conducted was a very comprehensive measure, and contained much inapplicable to present conditions and not pertinent to the business methods of today. It has been found utterly impracticable to follow that scheme in detail. The object now in view is one which not only challenges the notice of Congress, but its accomplishment by the most direct means is sought by every member of each House. We have become engaged in a foreign war, and in accordance with universal sentiment the united power of the American people is arrayed in stern opposition to the common foe and in the determination that victory shall be speedily ours. Questions of policy, doubts anterior to the struggle no longer obtain. These are forgotten in the presence of patriotic necessity. It is merely the method upon which we differ — the mode of raising revenue which we debate.

I will not now, nor I trust hereafter, criticise the Administration or cast aspersion or even doubt upon the conduct of this war. I believe that Mr. McKinley and those who are acting with him are doing the very best that the circumstances will permit. Great though this nation is, mighty though her resources are, she was not prepared at the initiation of this issue to place before her opponent her full strength, or to utilize then and there her wonderful latent energies. But she will soon be ready. Her preparations are being rapidly made. She will not strike prematurely.

Her action when had will be decisive. We are often restive in the presence of exigencies such as those now before us. But patience is a duty of the patriot. On such an occasion as this we should not only assist in forwarding the views and objects of an Executive whom the people have placed in power, but we should lend that moral and hearty support which indorsements here so well afford that the whole world may know that there is neither in official place nor in private station anyone who is not toiling legitimately and enthusiastically to the best of his ability for the attainment of a glorious and deserved success.

Hence I assume that each Senator has at heart that to which I have alluded, and that there is no difference of opinion in defining the termination for which we are to labor. Yet as to methods, Mr. President, as I have intimated, we are not in accord. Honest men, able men, have differed heretofore. There are in this Chamber Senators who advocate irreconcilable economic theories, who are wedded to those views, who believe in the sentiments which they express concerning them, and who think that they can carry their theories into this bill without interference with the efficient conduct of military operations.

I am desirous of ingrafting upon this measure those features and policies in which I believe, but I am not obstinate in this contention. I recognize that supplies must be voted, that the Army and the Navy must be sustained, that these are paramount considerations, and yet I trust that I shall not be accused of unduly procrastinating this discussion if for a few moments I attempt to enforce and support propositions which many believe ought to be found in this legislation. We are all ready to raise revenue, but have our preferences as to the plan best calculated to attain the purpose.

In the first place, Senators, while we are all prepared to sacrifice whatever may be ours for the promotion of this cause and the welfare of our common country, it is also our duty to see to it that the inevitable burdens of war are spread over the entire Republic with as much uniformity as possible and that the people generally shall furnish the essential financial aid. Senators arise and talk learnedly of the Constitution, and argue that certain features of this bill are not valid because not uniform. They urge that great interests in this Republic — railroads, oil and sugar refineries, etc. — can not be taxed because of certain disabilities imposed upon the Government by the organic law of the nation or flowing from the peculiar relation of the States to the United States.

But, Mr. President, whatever may be the opinions of any particular lawyers here, whatever may be the theories of any statesman in Congress or elsewhere, it can not be denied that the equal distribution of taxation over the whole country is to be desired. Such should be our aspiration. Our intellectual resources should be employed to evolve a plan competent to bring about this result. We ought not to expend our thoughtful moments in seeking to point out methods of evading this duty of the citizen.

Let me ask my friends upon the other side of the Chamber whether they hold that it would be well to tax the great moneyed interests of this country at all. I am not arguing for an extravagant or even for a high rate. I do not claim that because one may be a member of a corporation or of an association or a partnership, that therefore he should pay an unusual sum; but my question is, Ought the wealth of this country to bear any of the ills of war? Ought it to be absolved from this legislation and emancipated from the onerousness of taxation? If not, what excuse is there for the bill as it came from the House, and what excuse is there for those who are seeking to exempt the rich?

Mr. President, as it reached us this measure contained three distinctive subjects of taxation. One, from which it was stated we would raise $30,000,000, reached beer; another included tobacco, and substantially the same amount, it was said, would be obtained from that source; and a similar collection was anticipated from the stamp tax. With the exception of the tonnage tax (which it is unnecessary to discuss, for I understand there is but little dispute in this Chamber regarding that), from which two million or two million and a half dollars was expected to be derived, the whole weight of this war was to be imposed upon these three enumerated interests.

Senators noted for their ability, not only here but in other forums, and known the world over as men of brains and industry, and who are in the habit of expressing their sentiments firmly and intelligently, have advised us that such a plan is substantially equitable. Other objects of taxation have been, it is true, suggested, but upon those just described the imposition is largely placed, and the core of this legislation is to be found there. It is a tax upon luxuries, it is said!

Beer has always been considered a proper subject of contribution, it is true. It now carries without the new levy the same rate which it bore during the war of the rebellion. It is a luxury, we are confidently informed. Well, Mr. President, there are various sorts and degrees of luxuries. It may be in one sense a luxury, but it is a luxury of lesser degree largely enjoyed and relied upon. We are told that it is an article of voluntary consumption. This is one of the main reasons offered for the placing of one-third of the expense upon this single product.

Undoubtedly beer is a proper subject for taxation; but is it, after all, so dainty and epicurean? Is it in its nature a delicacy absorbed only by those who have large means or which enters into use only within that narrow jurisdiction within which move exclusively the moneyed interests of America? Obviously no. In every hamlet, in every village, in every spot where the hand of man works to build, construct, and make greater those vast creations of skill and toil which augment the splendor of this nation this so-called luxury is consumed. It may not, of course, be generally used in those places where such beverages are prohibited — such, for instance, as the State of Maine, so ably represented upon this floor; but even there I imagine that, by collateral means, not devious ways, that and other luxuries ostensibly not tolerated by these States are sometimes had and taken. I observe that my friend the Senator from Maine [Mr. HALE] smiles rather, I imagine, in affirmation of my statement. At all events, Mr. President, taking the country at large, what I have said is certainly true regarding beer. If it be a luxury, it is considered such by those of smaller means who can not amplify their enjoyments.

How about tobacco? It is said once more here is another luxury; we will put a third of the war tax upon tobacco. Having levied a third upon the luxurious beer bibulators, we will put another third upon tobacco. Ah, yes: let those who live in magnificence pay for their delights! We are again advised that tobacco is voluntarily used. Certainly so; that is, man is not actually forced to smoke a cigar unless he feels so disposed, or to chew tobacco unless he has the inclination. Thus do beer and tobacco fight the battles of our country.

But, Mr. President, the experience of every man, and it needs not any great effort to enjoy that experience, is to the effect that those of moderate means in the United States consume a vast quantity of tobacco. Perhaps the framers of this bill may smoke cigars of indefinite value, but the general cigar of consumption in the United States is, I believe, shown by the statistics to be the five-cent cigar. The man who digs in the trenches of the streets of this city, who toils in the fields, who struggles in the thousand and one avocations wherein labor expends its exertion, often chews tobacco, and he deems it a necessity rather than a luxury. This may be a bad habit, but our laborer has acquired it. Perhaps he has no other vice, and it may be, if he has none other, that he is accountable for as few vices as most of those who tenant this world. At all events, he is using that which has become a necessity and which he must have. It is but a very weak and flimsy argument to him to say that tobacco is an article of voluntary consumption — you need not chew tobacco unless you so wish. He does not believe you. The same comment might be made to him perhaps with reference to the beefsteak which he disposes of at his breakfast.

Mr. President, I do not contend that tobacco is not a legitimate subject of taxation. *Per contra,* I admit and contend that it should be taxed. But I am talking of the rule sought to be established by the bill, that upon this particular industry and upon this particular article of common utility must be imposed one-third of this great war tax. This I denounce as unfair, especially in view of the obvious intention to exempt a vast part of the wealth of the country altogether.

Then you have the stamp tax. Heaven only knows upon whom the severity of this tax will fall. However this may be, all classes declare a stamp tax a nuisance. Americans remember revolutionary impositions. After our extended experience we understand how impossible it is to equalize such an impost. We fully appreciate that this tax but imperfectly reaches those who ought to pay. We all understand, Mr. President, that if we visit a telegraph office to send a dispatch we must pay for our stamp. We know that wherever it is possible for large business institutions to place the stamp tax upon the person with whom they deal they will act accordingly. There are exceptions. Certain cases exist where the stamp can not be so placed, perhaps, and where the concern mainly involved must pay it. These are exceptions. This is not par excellence a tax for the benefit of the people.

I have in a brief and undoubtedly imperfect manner discussed the main outline of the House position, justified in this body by its Republican members. I have sought to meet the propositions advanced by our friends who seek to restrict the obligations of war upon the less able to pay of the United States. I will now address myself to certain interests fully equipped to pay war taxes who seek to evade responsibility that others may meet the demand. I approve of the inheritance tax, which has met the undivided sanction of the Finance Committee. It is urged that litigation will ensue because of this feature of the bill. This threat, if it be such, does not deter me. It is important that one should know the law, and I am confident that our committee will not readily yield this amendment.

Mr. President, the committee has endeavored to reach railroad corporations. We have differed as to the means to be employed. While I prefer the gross-receipt system, I must admit that the proposed amendments concerning corporations have improved the bill. More revenue will be yielded by the bill as amended in the Senate.

But, Mr. President, the three main objects of taxation are those to which I have alluded — beer, tobacco, stamps. Nervousness should be unknown to capital. The country ought to be satisfied. Beer, tobacco, and stamps are ordained to obliterate Spain.

Mr. President, I deny with all the emphasis of which I am capable that I advocate discrimination against any interest. I glory in successful enterprise and rejoice in accumulations based upon merit. A man who succeeds in personal achievements and in consequence of his ability adds to his comforts wins my regard and my hope for his further advancement. The fruit of his intellect belongs to him; but the business which he builds up under this Republic must pay its part in the defense of the flag. This obligation does not depend upon the payment of taxes within a State. I must support and defend the State of California. I must support and defend the United States. While I pay taxes within my State, I must likewise add to national revenues.

We have heard here much of the dual system of government, and we have in many respects a dual system of government. We support State governments. These perform various functions. They levy domestic charges. This does not relieve us or either of us from Federal obligations. If Wisconsin or Pennsylvania sees fit to compel railroads to pay on gross receipts, this does not interfere with the national prerogative. The absolution from taxation within a State can not impose a national obligation to tax; neither can the exercise of the State power to tax impair the national jurisdiction to do the same thing.

We have a National Government having objects in view different from those of the State. Both governments are essential. I am a citizen of the State of California. I owe proper allegiance to my State government, and whatever property I there have must contribute to its support. But if I own only a certain class of property favored by the State and nation — interstate railroad property, for instance — do I owe less allegiance to the National Government? Am I under any less obligation to support that Government because of the possession of local assets? Is it not my duty to contribute toward the nation which shields and guards me and my possessions equally with those of another who may own a different class or character of estate? What I may do as a business man is demonstrated by this bill to be subject to national authority. Can it be that a Chicago wheat speculator may be assessed, but the habitués of Wall street and the Standard Oil Company and sugar trust are to stand entirely exempted? Such an interrogatory may seem curious, but Senators here argue that we can not tax a corporation organized under the laws of a State. I take no stock in this contention. I have heard it said that corporations have no advantage over individuals. The fact that men organize such bodies ought to answer this; but the claim that corporations are not liable to taxation when individuals are so subject is for the first time presented. We are searching for yellow-fever immunes to meet the Spanish in Cuba. We are in this bill for the first time shown a taxation immune — a corporation. No court has ever held that Federal excise taxes can not be imposed upon corporations within a State.

We hear it said that it has been decided that the State can not tax a Federal franchise or collect such an excise, because the power to tax involves the power to destroy, and it is argued that the rule conversely must apply, and that this Government is devoid of the right to tax the creations of a State, and that a State corporate franchise may not be taxed by the United States. If it be true that this Government is thus shorn of its power, let us learn the important fact from the courts. This Republic has passed through the throes of a mighty war, wherein there stood uncontested a law assessing corporations framed upon the lines of the majority amendment. This statute passed unchallenged through that tremendous struggle, and was enforced, undisputed, until repealed. The heroes, civic and military, men who guided our destinies, never discovered the so-called vices of that statute.

Mr. President, for myself I think that corporations owe something to the State and also to the nation. In various respects they are fictitious persons. Some of the writers upon the law of corporations speak of the ostensible character of the corporation as a mere matter of convenience, having but little support in fact. They are composed of individuals who enter into business pursuits in a legal mode to carry out certain purposes. But it is idle to say that there is no advantage in thus combining. Were there no benefit, these organizations would never be formed. We are told that corporations are generally entered into for the purpose of avoiding the settlements necessary in the case of a copartnership where one of its members dies. Undoubtedly this is often the controlling circumstance. But in many of the States the individual incorporator escapes liability beyond the amount of the stock which he holds. He often escapes personal liability altogether. This is peculiarly beneficial to him, though not advantageous to the creditors of the corporation. John Smith, well known as a man of wealth and business enterprise, organizes a large corporation and calls it the John Smith Company, though most of the directors and stockholders, perhaps all of them save Smith, are men of little means. Smith's stock is placed in safe hands, if he resides where there is personal liability based on stock. If there is no such liability, he holds the stock with impunity. Upon the strength of his (Smith's) name the corporation proceeds. If financial disaster comes, the assets of the corporation in many jurisdictions constitute the only fund for the payment of debts. Smith remains safe, though he has virtually controlled the concern, and the outside world regrets that a change was made in his method of doing business.

In the language of a leading authority:

> Under the common law the members of a corporation are not individually liable to any extent for its debts unless there is an express provision in the company's charter creating a liability.

There are many peculiar benefits accruing to corporators from the formation of corporations not enjoyed by the individual doing business as such, upon which it is unnecessary for me now to dwell, since the object and point of my argument are not dependent upon the right to discriminate in taxing these institutions.

Corporations are not wholly eleemosynary. They are not generally organized for charitable purposes. Those named in this bill are formed to make money. In my State and in many of the States of the Union an individual may construct a railroad and exercise the right of eminent domain. It has been held, save where the power is denied by the organic law of the State, that the object in view, not the means through which the power is exercised, is determinative of the question. There are many cases in the late works upon eminent domain showing when the individual can assert this power, and those who are curious about it can find the decisions collated in the works of Mills and Lewis. The State confers from its resources of sovereignty the right of eminent domain that a railroad, for instance, may be built, but the emoluments attending the enterprise are the personal and individual property of its promoters and those who carry it on.

Will anyone sincerely assert that under our system the individual in a State who pursues a certain business in which he is not called upon to exercise the right of eminent domain must contribute to the war expenses of this Government while other greater organizations, more wealthy institutions of State creation, are not compelled to pay merely because they have power in addition to that exercised by others? If those who operate railroads are to go free, let it be only when the courts fix such limitation to Congressional authority.

But, Mr. President, it is a waste of time to argue a question of this sort, upon which lawyers differ in this presence, as they perhaps would differ elsewhere. It is enough for this body to turn to the internal-revenue laws of the United States enacted during the war and to find that such a system was adopted there and was enforced unchallenged, and that the jurisdiction of the Federal Legislature as therein crystallized upon this immediate topic has never yet been denied by any judicial tribunal.

Mr. ALDRICH. Mr. President, does the Senator from California mean to be understood as saying that the Government of the United States has ever taxed corporations as corporations at any time in its history?

Mr. WHITE. I mean to say that in the revenue law enacted during the war Congress taxed corporations organized in the various States, and I shall in a moment turn to the section to which I allude.

Let us compare our present measure. In this bill as proposed by the majority of the committee it is designed to tax transportation companies a certain percentage upon their gross receipts. In the war-revenue measure the same provision was found.

Mr. ALDRICH. I was not calling the Senator's attention to the transportation tax, but to that part of the amendments of the majority of the committee which proposes to tax corporations as corporations, as distinctive entities, without regard to whether they are engaged in one kind of occupation, industry, or business or another.

Mr. WHITE. I am discussing all the provisions of the bill regarding the taxation of corporations. I say, and the Senator from Rhode Island will not deny it, that during the war we taxed corporations a percentage largely in advance of that proposed in this bill upon their gross receipts.

Mr. ALDRICH. We undoubtedly taxed certain industries, occupations, and employments; and if corporations were engaged in those industries, occupations, or employments, they paid their taxes as individuals paid them. But this is the first attempt in the history of the Government to tax corporations as corporations.

Mr. WHITE. If I understand the Senator from Rhode Island he does not understand me. I am not arguing in favor of the provision proposing to tax corporations only. I am not doing that; but I am claiming that under the provision which I am considering we have the right to tax corporations, persons, and individuals as proposed with reference to this transportation matter in the first provision of the amendment. Therefore what I have said regarding the power to tax those corporations will stand.

Mr. President, it is the habit of those who endeavor to escape the force of an argument to cloud the question. I repeat that I am arguing at this minute in favor of a tax upon corporations, persons, companies, partnerships, etc., who are engaged in the occupations nominated in this bill; and neither the Senator from Rhode Island nor anyone else can escape from the conclusion that he and those who are with him are contesting this tax and are endeavoring to emancipate the wealthy institutions, whose interests he and the others here have so powerfully advocated, from giving toward this war and its maintainance one cent of money. Our friends boldly declare, "Let the man who chews tobacco or who drinks beer or puts a stamp upon a telegraph message sustain this war. Do not touch our immaculate corporate friends." Indeed, we have had an intimation from the junior Senator from Massachusetts [Mr. LODGE] to the effect that a bank tax ought not to be tolerated because, forsooth, nearly all the money is in the part of the country from which he comes.

The immunity of wealth, Mr. President, has never before received an open indorsement. That those who are rich and those who are poor stand equal before the law is supposed to be a decretal of the Constitution; but that they do not stand equal before certain Senators is manifested by evidence before us.

Mr. President, I have here the internal or war revenue law, under which the civil conflict was carried on. I will ask the Secretary to read section 103 of that statute with reference to the taxes upon corporations; and I hope my friend from Rhode Island will read it. I rather think he has read it.

Mr. COCKRELL. Will the Secretary state the page from which he is about to read?

The SECRETARY. Page 170 of the Internal Revenue Laws from August 5, 1861, to March 3, 1873.

Mr. WHITE. Before the reading proceeds, I will ask Senators interested to refer to page 59 of the pending bill while the Secretary is reading, and a comparison will justify what I have said.

The Secretary read as follows:

> SEC. 103. *And be it further enacted,* That every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or any stagecoach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal, the water of which is used for mining purposes, shall be subject to and pay a duty of 2½ per cent upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or such stagecoach or other vehicle: *Provided,* That the duty hereby imposed shall not be charged upon receipts for the transportation of persons or property, or mails, between the United States and any foreign port; and any person or persons, firms, companies, or corporations, owning, possessing, or having the care or management of any toll road, ferry, or bridge, authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description, over such toll road, ferry, or bridge, shall be subject to and pay a duty of 3 per cent. on the gross amount of all their receipts

of every description. But when the gross receipts of any such bridge or toll road shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be imposed on such receipt. *Provided,* That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding.

Mr. WHITE. Mr. President, I have no doubt that Senators who have followed the pending bill will discover that it is not novel; that it is old in principle. It it not the creation of any modern communistic element. It is in this respect but the repetition of an act which was voted for by distinguished men, regardless of politics, during the battle of this nation for existence. It then received the indorsement of the business world, was responded to in good faith by those taxed, and remained, as I have said, undisputed upon the statute books until it was repealed when the necessity for its enforcement no longer existed. The only difference, if there is any, save perhaps some clerical change — and I doubt if there is any other variation — the only substantial alternation is that the rates proposed in this bill are many times less than in the former measure.

Mr. President, I am not discussing, as I said before, the general corporation tax. I ask opposing Senators whether they are willing to vote to tax any corporation if they have the legal power to do it? Are they ready to levy any impost of any sort, any excise, upon the Standard Oil Company? No, Mr. President; they will vote against such tax. Are they willing to levy any excise tax, any impost of any kind, upon the sugar trust? No, Mr. President; they are not ready to do so.

The distinguished senior Senator from Maryland [Mr. GORMAN] has prepared an amendment, which he was kind enough to show me, with reference to this entire subject, and which will be offered later on, to which I wish to address myself. I will ask him to allow me to have it read.

Mr. GORMAN. I send the proposed amendment to the Senator.

Mr. WHITE. I request the Secretary to read the proposed amendment. I ask the attention of the Senate to it, as I desire to comment upon it.

The SECRETARY read as follows:

That from and after the passage of this act every person, firm, company, or corporation owning or possessing or having the care or management of any railroad, street railroad, sleeping car, steamboat, ship, or other vessel, engaged or employed in the business of transporting passengers or freight for hire, or in transporting the mails of the United States, or carrying on or doing an express business, or having the care or management of any telegraphic or telephone line by which telegraphic or telephone dispatches or messages are received or transmitted, or carrying on or doing the business of furnishing gas or electric light, electric power, steam heat, or steam power, or refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed $250,000, shall be subject to pay annually a special excise tax equivalent to one-fourth of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of $250,000: *Provided,* That the assessment hereby made shall not include any amount for the receipts for the transportation of persons, freight, or mails between the United States and any foreign port; but such tax shall be rated for the transportation of persons, freight, or mails from a port within the United States through a foreign territory to a port within the United States, and shall be assessed upon and collected from persons, firms, companies, or corporations within the United States receiving hire or pay for such transportation of persons, freight, or mails.

And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than $1,000 and not exceeding $10,000 for each failure or refusal to make return as aforesaid and for each and every false or fraudulent return.

Mr. WHITE. Mr. President, while I personally prefer to extend this taxation so as to include all avocations, for I think that no man is too great or too small to contribute his share toward the maintenance of his country's honor, yet in appealing to Senators who hold views differing from mine, and whose opinions are antagonistic to those which I have expressed, I do not press this sweeping proposition. I ask them are they prepared to call upon the great industries mentioned in this proposed amendment? Are they willing to accept this fair and conservative compromise? Or is it their purpose here and now to so legislate as to exempt these powerful concerns from aiding the Government in this crisis? If so, let their votes be recorded. I can not believe that any citizen of the United States is prepared to assert that taxation should be limited to a few occupations when it may be justly imposed upon many. It is not with any desire to inflict a hardship that these amendments are urged. I repeat, I would make this burden general, but being unable to accomplish that, I shall cheerfully support the amendment intended to be proposed by the Senator from Maryland.

Mr. President, I do not speak in any spirit of partisanship. I trust that the patriotism which animates the poor is not different from that which thrills the souls of the rich. I know men of means and men of vast influence who are anxious to be included. They have been to me and to other members of the committee and have advised us of their anxiety to bear some of the expense of this war, saying that all that they ask for is fair treatment. Can this body afford to deny such an appeal, an appeal soliciting legitimate taxation? Can we justly insist that the rich shall profit by the war and that those of little means shall stand the cost? The glory which will result must be the common heritage.

Mr. President, there is an exemption in the proposed amendment, and it has been said by some — whenever we produce a bill proposing to tax the powerful equally with the weak, technical reasons against it are discovered — that this tax is violative of the uniformity demanded by the Federal Constitution because it contains an exemption. I have thought upon this subject at length, for I appreciated and appreciate that we can not succeed in going much further than the limited taxation thus designed. I do not pretend at all to infallibility on this or any other matter, but in the income-tax decisions, found in 157 and 158 United States Reports, the majority did not attack the statute upon the ground that it was not uniform. On the contrary, with the exception of Mr. Justice Field, who in a very elaborate concurring opinion did contend that it was not uniform, the court merely announced a disagreement and rested its judgment upon other grounds. Mr. Justice Harlan, in his dissenting opinion, in discussing this question of uniformity, said:

> If it were true that this legislation, in its important aspects and in its essence, discriminated against the rich because of their wealth, the court, in vindication of the equality of all before the law, might well declare that the statute was not an exercise of the power of taxation, but was repugnant to those principles of natural right upon which our free institutions rest, and therefore was legislative spoliation under the guise of taxation. But it is not of that character. There is no foundation for the charge that this statute was framed in sheer hostility to the wealth of the country. The provisions most liable to objection are those exempting from taxation large amounts of accumulated capital, particularly that represented by savings banks, mutual insurance companies, and loan associations. Surely such exemptions do not indicate sympathy on the part of the legislative branch of the Government with the pernicious theories of socialism, nor show that Congress had any purpose to despoil the rich.
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> In this connection, and as a ground for annulling the provisions taxing incomes, counsel for the appellant refers to the exemption of incomes that do not exceed $4,000. It is said that such an exemption is too large in amount. That may be conceded. But the court can not, for that reason alone, declare the exemption to be invalid. Everyone, I take it, will concede that Congress in taxing incomes may rightfully allow an exemption in some amount. That was done in the income-tax laws of 1861 and in subsequent laws, and was never questioned. Such exemptions rest upon grounds of public policy, of which Congress must judge, and of which this court can not rightfully judge; and that determination can not be interfered with by the judicial branch of the Government, unless the exemption is of such a character and is so unreasonably large as to authorize the court to say that Congress, under the pretense merely of legislating for the general good, has put upon a few persons burdens that, by every principle of justice and under every sound view of taxation, ought to have been placed upon all or upon the great mass of the people.

There are several contributions to the subject in other dissenting opinions. Thus Mr. Justice Brown very concisely and clearly remarks:

> There is certainly no want of uniformity within the meaning of the Constitution, since we have repeatedly held that the uniformity there referred to is territorial only. (Loughborough *vs.* Blake, 18 U. S., 5; Wheat., 317; 5, 98; Edye *vs.* Robertson, 112 U. S., 580; 28, 798.) In the words of the Constitution, the tax must be uniform "throughout the United States." (Pollock *vs.* Farmers' Loan and Trust Company, 158 U. S., 692.)

In other words, it seems to be the law that the constitutional requirement of uniformity does not by any means extend to an exemption; that, as stated by Justice Brown, it "is territorial only;" that the mere fact that Congress in the exercise of its judgment may determine that certain property ought to bear certain burdens will not deprive the law of its validity.

The examination might be pursued further, but the whole matter is perhaps covered by the statement of Judge Cooley to the effect that the power to tax involves necessarily the power to exempt; and notwithstanding the interference by judicial legislation — it might well be called judicial legislation — with the functions of Congress, no court has yet held that such an exemption as that contemplated here can not be made. I am confident that the same judges who passed upon the income-tax law would unhesitatingly sustain this. This exemption harms no one. It allows a certain class to escape, but not only exempts all who do not reach $250,000 gross receipts, but relieves larger concerns up to that figure. The latter can not reasonably complain.

In Edye *vs.* Robertson (112 U. S., 580), the Supreme Court, speaking through Mr. Justice Miller, said:

> In this view it is objected that the tax is not levied to provide for the common defense and general welfare of the United States, and that it is not uniform throughout the United States.
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> The uniformity here prescribed has reference to the various localities in which the tax is intended to operate. "It shall be uniform throughout the United States." Is the tax on tobacco void because in many of the States no tobacco is raised or manufactured? Is the tax on distilled spirits void because a few States pay three-fourths of the revenue arising from it?
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> The tax is uniform when it operates with the same force and effect in every place where the subject of it is found. The tax in this case, which, as far as it can be called a tax, is an excise duty on the business of bringing passengers from foreign countries into this by ocean navigation, is uniform, and operates precisely alike in every port of the United States where such passengers can be landed. It is said that the statute violates the rule of uniformity and the provision of the Constitution that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another," because it does not apply to passengers arriving in this country by railroad or other inland mode of conveyance. But the law applies to all ports alike, and evidently gives no preference to one over another, but is uniform in its operation in all ports of the United States. It may be added that the evil to be remedied by this legislation has no existence on our inland borders, and immigration in that quarter needed no such regulation. Perfect uniformity and perfect equality of taxation, in all the aspects in which the human mind can view it, is a baseless dream, as this court has said more than once. (State Railroad Tax Cases, 92 U. S., 612; XXIII, 673.) Here there is substantial uniformity within the meaning and purpose of the Constitution.

Exemptions exist in almost every system of taxation. The present instance is not isolated. There is nothing novel in the determination to relieve $250,000 from this obligation. Certainly those who profit by it — the very institutions here assessed — can not demur. They are the beneficiaries as far as the exemption goes.

Mr. President, this is an extremely conservative suggestion. I do not impinge upon the farmers' creameries which so ardently enlisted the attention of my friend from Iowa [Mr. ALLISON]. We do not hurt those small concerns here and there which have commanded the attention of so many Senators and have excited the lachrymose natures of the controlling corporations and syndicates of the United States. I understand that those who are covered by this amendment will, should it be adopted, weep for the poor of the land, upon whom our moneyed friends declare the tax must ultimately fall. The Standard Oil Company appears in effect saying:

> Not for ourselves do we plead — not for ourselves — but we deplore the hardship upon the lowly which must follow this legitimate tax upon us, and the sugar trust joins in this aspiration.

By this amendment corporations and others doing the business named are exempted to the extent of $250,000 of gross receipts. This exemption applies to all, and if the gross receipts in a given case do not reach $250,000, then there is no liability.

Now, Mr. President, one thing or the other is true. Either we ought to assess all occupations, or, if we are to make selections, we should choose those who have the ability to bear it. No Senator has yet said that he is opposed to placing in this bill provisions which will bring an adequate return from interests which can easily give something, if not to the cause of patriotism, at least in consideration of the protection they have received. No Senator has expressed, I think, anything but regret that other and more general objects of taxation can not be found in addition to the enumerations of this bill. Here is an opportunity for our friends on the other side of the Chamber to vote for a proposition that will bring about the collection of perhaps $20,000,000 of taxes; here is an opportunity to make those contribute who ought to do so.

But perhaps it may be said that too many interests are covered by the amendment. It is impossible to satisfy those who do not wish to be satisfied. Where is the Senator who has been pleading against taxation of vast capital who will name some extensive business that he thinks ought to be called on? A distinguished Senator who occupied the floor very recently was requested to name objects of just taxation. He replied that he was not proposing anything. He was only criticising that which was before him. But, Mr. President, I conceive that such is not the duty of a Senator. If the committee has made mistakes, if there is a middle ground upon which we may meet and accomplish good, I imagine it is the obligation of each of us to bring his abilities to bear and to make all legitimate suggestions. If a Senator finds that his State assesses corporations, is he prepared to deny that those same corporations and the individuals composing them owe something to the National Government? Can they escape the expenses of this war merely because they do something for a State in hours of peace?

Personally, I would be willing, in view of obvious difficulties, to exempt savings banks; yet I can not but turn to one of the concurring opinions of the Supreme Court of the United States in the income-tax cases and note that a criticism was there made because such an exemption had been attempted.

Mr. President, what a spectacle will we present before the world if, having collected an immense sum of money from those who use beer and tobacco, we shall declare ourselves impotent to levy a just amount upon the trusts, combines, and corporations existing within the United States!

There are so many obstacles, we are told. What are these obstacles? No one produces any judicial authority against the validity of the proposition I am advocating. On the contrary, the judicial tendency is the other way. The practice is the other way. Litigation is feared. Is it to be said that the functions of Government are to be suspended, and that the arm of this nation is to fall paralyzed because of the threat of some one who has means that he will not contribute without a lawsuit? Let him have his lawsuit, and let us test the power of Congress to treat him as all others are treated. If such a person or such an interest can not be compelled to do that which is fair, let us know it.

The provision regarding transportation companies, gas and electric light companies, and refiners of oil and sugar applies to all. It is broad in its terms; it includes persons, corporations, partnerships, and individuals; it takes in every one; it does not discriminate. It therefore presents the question baldly, whether Congress favors taxing this class of property. If you answer me that we ought not to exclude others, I tender the proposition which includes all. I am then met by another critic who talks to me in Solon tones, and tells me that I am taking in too many. So you have either fewer than proper, or too many. Thus do tax shirkers plead, and thus do the advocates of non-taxed wealth argue for continued immunity.

Mr. President, as far as customs impositions are concerned, the wealth of the United States pays but little. It is notorious that no tax is more unequal than that gathered by means of tariff bills. We know that it is impossible to reach powerful combinations through the custom-house. This no one will deny. Is it, then, socialistic or communistic to insist that pending legislation shall be so construed as to bring about at least approximate equality? It is not inequality for which I plead. It is equality that I demand. If the rich and the poor are beneficiaries of governmental effort, so should each class in due proportion make sacrifices for the Republic.

Mr. President, there is nothing in the argument, as I view it, that there should be no taxation upon corporations which are liable to the same character of exactions within the States. Individuals are subject to similar imposition. Have we not State license-tax systems throughout the Union under which dealers in tobacco and beer must pay heavily? They can not evade upon the theory that they are so charged. It is illogical and ought to be futile to attempt to dodge the revenue laws upon any such ground. It is the obligation of every citizen to aid the National Treasury as far as he may. This duty can not devolve upon one class as to the State and upon another as to the United States and the State.

No man can justify himself in opposing this amendment because there may be some words in it which he does not relish, for the power of amendment in vested in this body, and the right to suggest changes belongs to every Senator. Approaching it in good faith, in the spirit which seeks to improve and to make it as nearly perfect as practicable, we should point out defects, indicate remedies, and evolve an act adequate to produce ample revenue, and at the same time just to everyone.

Mr. President, this is not a partisan amendment. It is impossible that it can be so denominated. It never has been supposed and I trust it never will be thought necessary to make such a charge in order to defeat a meritorious proposition. No party has ventured to espouse the cause of unequal taxation. Yet if something akin to this amendment be not adopted, many will attribute the wrong to ulterior motive.

It was said, and it has been said now — I do not believe the accusation — that great moneyed interests in the United States which gave toward a political cause with unexampled generosity are to-day insisting that there shall be no war collection from them and have demanded exemption because of such party contribution. If this demand has been made, it can not be that any Senator, whatever his political faith, will acquiesce in it or permit his action to be affected by it. I trust that there is no one here who does not feel that in the shadow of an armed conflict it is his duty not only to treat the Administration in a fair and consequently in a patriotic manner, but also to legislate with reference to the subject in such a mode as to at once negative any charge of favoritism. We should remember the nation and disregard appeals founded only upon partisan zeal.

I have not referred specifically to the provisions of this bill with reference to banking, insurance, and other occupations, for they are covered, more or less, by the general remarks heretofore made, but I ask Senators to study the Civil War revenue act with care, and it will be found that there were contained in that legislation the provisions which are now denounced as iniquitous. No one doubts the fidelity to country, integrity, and ability of the authors of that system. It met all expectations and aided much in the final triumph of the armies of the Union. It was just and general; not like this bill, partial and special. The amendments which I advocate are in the direction of the general and fair scheme of the former law. True, much of the old law as to rates is inapplicable, but it was generally commendable. We can not close our eyes to the fact that even after this war shall have ceased many of these revenue features must be retained.

Mr. President, where are we hereafter to obtain the funds needed for the current expenses of the Government? Year by year and day by day our power to collect through the tariff lessens. The progress we are fast making in manufacturing, the advance of our domestic industries, compel our formerly successful rivals to meet us in sharp competition. This is true not in one, but in many lines. As we become exporters instead of importers the customs receipts are reduced, and this condition is progressive. The Supreme Court of the United States has denied our authority to impose an income tax. It follows that we must, in the absence of a constitutional amendment, rely now and hereafter more and more upon internal-revenue collections. Hence the propriety of the exercise of care and the adoption of a plan equitably bearing upon the whole people. Wealth should not be subjected to demagogic attack; neither should it be permitted to evade its responsibilities to the nation.

Mr. President, we are not collecting funds to construct a post-office or to improve a harbor or for any other sort of public improvement; nor are we contemplating any work which may remain uncompleted without serious injury to the public. But we are in the presence of battle — our armies and our navies are to be supplied through this bill. The universal talk is patriotic. Under such conditions the evasion of financial obligation is desertion of the cause, and he who connives at this wrong is guilty, too. Because one section of the Union is richer than another in actual money is no reason for avoiding a plan which will make that money reasonably respond. Can it be, as my friend the Senator from Louisiana [Mr. CAFFERY] contended — erroneously, I think — yesterday, that this bill is not uniform because it taxes regardless of profits made by the person assessed? If I am taxed upon my land, my home, which does not yield one dollar, can I escape by pointing to my neighbor who has made money where I have failed? Can his good fortune or even his skill or industry exempt me, or should my failure to realize exonerate me from aiding my Government?

No such test can be deemed complete or even tolerable. Such a doctrine would relieve millions of property from which no profit is just now received, even though it may be intrinsically extremely valuable. A tax upon incomes is, I am convinced, most equitable, but that is out of the question. Nor will it do to rely upon bonds, for these in the end are paid by those who are in but moderate circumstances.

I do not hope to induce the Senate to accept entire the amendments of the majority of the committee by which this excise would be made well-nigh universal. I can not expect those who have thought of these matters as honestly and earnestly as I and have reached other conclusions to yield in every regard; but I ask such Senators whether they do not think it well to insert some measure of taxation — some fair rate — directed at the dominating fiscal interests to which I have adverted?

The magnitude of some of these almost passes belief. The Standard Oil Company has divided the world with its great Russian rival, each acting exclusively in supplying about one-half of the human race. Another, the sugar refining company of America, which everyone, I hope, wishes to see treated fairly, has admitted through its president that its profits are enough to warrant political expenditures in different States for the benefit of the prevailing party in those States. Its career in legislation need not be recounted. These are not paupers. Ought such American concerns pay anything toward an American war? Surely there ought to be no issue between us as to this, and yet I fear the test.

Then we have the electric light, the telephone, the telegraph, no small or insignificant combinations, no innocent little country productions, but, on the contrary, robust and rich, but also legitimate, and useful, and well able to pay moderately. Shall they contribute when their receipts exceed $250,000? Who is to be ruined by this amendment? Where is the suffering toiler whose insignificant means are to be filched by the ruthless hand of Federal legislation? Surely these are not examples.

Mr. President, I have little patience with those who object to taxing the rich because the poor may suffer and who finally place all the burden upon the same poor. If we can not legislate justly without constitutional change, let us discover it through the courts. We must obey the Constitution, but I will not abnegate a jurisdiction exercised for a century and tested through one of the greatest wars of all time without a positive decision against the power by our Supreme Court. Let us have an act which will operate equitably. It is essential that the Congress should have this authority. It is a matter more important than the war with Spain, for it is vital that the Republic shall be able to defend herself without requiring her least favored citizens, in a financial sense, to draw unduly upon their resources. The world witnesses our conduct here and will judge of the merits of our system by the legislation we consummate. Let it be truly said of this Congress that the laws which it enacted were worthy of the age and the people.

Mr. President, without dwelling any further upon this part of the bill, I have but a word to say regarding the bond feature. It is thought by the majority of the committee that if the amendments proposed were adopted there would be sufficient money to largely defray the expenses of the war. It is the opinion of the committee that the people of the United States were and are opposed to the issuance of bonds, and that it would be better to levy taxation beyond that named in the bill as it came from the House in order to reduce the necessities for a loan. I believe that the masses of this country are absolutely opposed to further assumption of bonded indebtedness. They have had ample experience and are firmly rooted in the faith that bond issues mean centralization of wealth and power in few hands and constitute a menace to our liberties. It is not good business for an individual, it is not good business for a State, to incur a debt when cash can be readily obtained and the incident closed.

Mr. President, perhaps one of the worst features of the bill as it reached us consists in the fact that those who seem to be favored by being ignored in the list marked out for excise are the very combinations and interests destined to reap profit from this war. The men who are at the front are paying something even in the way of taxation, but they are destined to offer more. On the field and on the blood-stained deck they yield the hero's tribute. Their sacrifices are willingly made. If these stirring scenes do not excite all to similar effort, at least let no one do less than is demanded in the reasonable proposition covered by the amendment proposed by the Senator from Maryland [Mr. GORMAN].

Mr. President, if it is possible for the Senate to remember that those who have little are to be drained of their scanty horde in order to supply the deficiencies of their more prosperous neighbors it may be possible to arouse sufficient of the sentiment of justice to compass the improvement of the bill. Surely, Senators, some effort should be made to cure the glaring inequalities of which I have spoken. We are even told that the coinage of $42,000,000 of seigniorage will ruin the country, this bagatelle — not involving the question of free and unlimited coinage — this property which is ours and stored in our vaults! The specter of threatened calamity is upon us; we are warned, and it is even sought to arouse our fears. I hope that it is not the purpose of the dominant party to further discredit silver. Enough has been done in that direction already. The coinage of the seigniorage is not, I regret, equivalent to free coinage.

Mr. President, in conclusion I repeat that to make this bill approximate to equity, to cast its weight equally upon those who ought to so bear it, I concede to be an impossibility. I appeal to the majority once more to accept this amendment and to justify the claim that this important bill became a law for the public benefit and that it contains the expressions of the patriotism of the American Senate.

* * * * * * * *

[Remarks of Mr. White on the same subject delivered in the Senate May 28, 1898.]

EXCISE, TRANSPORTATION, ETC.

Mr. WHITE. Mr. President, I will detain the Senate but a moment. The provision upon which the amendment proposed by the Senator from Maryland [Mr. GORMAN] is based is section 103 of the old revenue law, which I ask may be inserted as part of my remarks.

The section referred to is as follows:

RAILROADS, STEAMBOATS, FERRYBOATS, AND BRIDGES.

SEC. 103. *And be it further enacted,* That every person, firm, company, or corporation owning or possessing, or having the care or management of any railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or any stagecoach or other vehicle engaged or employed in the business of transporting passengers or property for hire, or in transporting the mails of the United States, or any canal the water of which is used for mining purposes, shall be subject to and pay a duty of 2½ per cent upon the gross receipts of such railroad, canal, steamboat, ship, barge, canal boat, or other vessel, or such stagecoach or other vehicle: *Provided,* That the duty hereby imposed shall not be charged upon receipts for the transportation of persons or property, or mails, between the United States and any foreign port; and any person or persons, firms, companies, or corporations owning, possessing, or having the care or management of any toll road, ferry, or bridge authorized by law to receive toll for the transit of passengers, beasts, carriages, teams, and freight of any description over such toll road, ferry, or bridge shall be subject to pay a duty of 3 per cent. on the gross amount of all their receipts of every description. But when the gross receipts of any such bridge or toll road shall not exceed the amount necessarily expended to keep such bridge or road in repair, no tax shall be imposed on such receipts: *Provided,* That all such persons, companies, and corporations shall have the right to add the duty or tax imposed hereby to their rates of fare whenever their liability thereto may commence, any limitations which may exist by law or by agreement with any person or company which may have paid or be liable to pay such fare to the contrary notwithstanding. (Act approved June 30, 1864.)

Mr. WHITE. This citation shows that there is no novelty in this proposition as far as principle is concerned; there is nothing remarkable about it; it is no creation of a mind anxious to inflict injury upon corporations or upon any other interest; it is just, equitable, honest.

Nor is the amendment directed — as one would suppose from certain remarks made here — against corporations. It is general. It is uniform, consistent. But in order to meet the criticisms which have been made, and which have had much weight with certain Senators and will perhaps influence votes, a provision was inserted in the amendment exempting $250,000 gross receipts.

It was said that the law required absolute and technical fairness as to corporations, associations, partnerships, companies, and individuals, and that all or none should benefit from the $250,000 gross receipt exemption. Responding to that intimation, and to eliminate all possible legal controversy and to make litigation harmless, the Senator from Maryland has suggested a $250,000 exemption.

We are told that we can not exempt at all. First it is said it is cruel to tax great financial institutions because small affairs must be included within the tax. Such tears are shed by corporation friends in the garb of poverty. Therefore we are urged to vote to exempt all, great and small. The danger of interference with moderate means must, it is said, absolve millionaires. Then, as it is unconstitutional (as we are informed) to exempt those who ought not to be taxed, we can not afford to extend the burden.

Thus it follows that the consumers, who have often been referred to in this debate, must pay all war taxes, because it is the law (so we are told) that the Congress of the United States is impotent to shield them from this unfair burden. Our corporation friends say that while they are anxious that all the people of this country should contribute to the expense of this war, we can not constitutionally, though we ought to conscientiously, tax anyone really able to pay. What a system! How has such a plan been so long tolerated? How long can it last?

Mr. President, the Senator from Connecticut [Mr. PLATT], for whom we all have the highest respect, whose views as a lawyer are entitled to great regard, informs us that there is danger that the courts may upset the provision because of the exemption therein provided for. Pollock *vs.* Farmers Loan and Trust Company (157 U. S., 429, 586) in its concluding sentences declares that the justices who heard the argument were equally divided as to " whether any part of the tax, if not considered as a direct tax, is invalid for want of uniformity on either of the grounds suggested." It is by no means clear that any of the justices held views in opposition to the exemptions contained in the present bill.

The income-tax decision not only antagonized the judicial history of a century, but it outraged public sentiment and brought grief to those who believe in the law. However, no one contends that any court has ever declared against exemptions. The fear is that such a conclusion may be reached. I decline to act upon the theory that Congress has no power to make exemptions which for more than a generation have been found in numerous State and national statutes, and which in the latter aspect have passed unchallenged through one of the greatest wars of history. Before I am ready to concede the illegality of our action I demand a decision of the Supreme Court. In the face of a divided tribunal, real or alleged, or any issue, I will not yield. In the presence of a decision in no way affecting this particular subject I refuse to give up my opinion.

For my part, I do not fear a determination upon such an exemption. I am willing to chance it. As the senior Senator from Maryland [Mr. GORMAN] well said the other day, it is time for us to ascertain whether Congress has any power on this subject. If it be true that we can not make any exemption whatever and must, in order to make our action legal, tax interests which the majority think ought to be omitted, we are indeed powerless and are forced to emancipate great interests because we desire to remit less important elements. Let us learn the powers of Congress, and if our authority has not been accurately demarked in past legislation or in the judicial history of this country, I hope we will continue the inquiry until we know its extent. The Supreme Court has discovered that its predecessors were wrong in their definition of direct taxes. How far that tribunal may go is a matter of speculation; but let us know its views, and the people can, if they are so minded, act clearly and conclusively.

Mr. President, I assert that prior to the decision in the income-tax case there was no expression with reference to the provision of the Constitution regarding uniformity of taxation in the slightest degree warranting the comments of my able friend from Connecticut [Mr. PLATT].

In the Head Money Cases (112 U. S., 580) the Supreme Court of the United States said:

> The uniformity here prescribed has reference to the various localities in which the tax is intended to operate. "It shall be uniform throughout the United States." Is the tax on tobacco void because in many of the States no tobacco is raised or manufactured? Is the tax on distilled spirits void because a few States pay three-fourths of the revenue arising from it?
>
> The tax is uniform when it operates with the same force and effect in every place where the subject of it is found. The tax in this case, which, as far as it can be called a tax, is an excise duty on the business of bringing passengers from foreign countries into this by ocean navigation, is uniform and operates precisely alike in every port of the United States where such passengers can be landed, etc.

Mr. President, without projecting anything into this debate in the nature of an elaborate legal argument, I am willing to rest upon the proposition that, the courts not having decided otherwise, we are authorized to insist that Congress has the power which I am now willing and attempting to exercise and which is relied upon in the amendment proposed by the senior Senator from Maryland [Mr. Gorman]. But if there be a doubt upon this subject, the matter is of paramount and continuing importance, of a character adequate to involve — and which well may involve — the well-being of this country. Were I to aid in enacting a statute which I knew might be subjected to judicial scrutiny and decision, this would not compel me to refuse a vote in line with my views, although my opinions might be overthrown by a second income-tax decision. I yield unhesitatingly to courts of competent jurisdiction, but this I do after judgment.

Mr. President, it is not a fact that the proposals of certain Senators with reference to a stamp tax will cover this whole subject. The stamp tax does not reach oil or sugar refiners or the myriad horde of unnamed monopolies.

Senators, you will be compelled to vote, if the amendment of the Senator from Maryland is defeated, upon another amendment which I have in my desk, which will baldly and squarely present the question whether the great interests referred to by the Senator from Connecticut, the oil-refining and sugar-refining industries, are to be guaranteed immunity from taxation. The only argument made against taxation in these cases is that the consumer will finally pay the burden. This suggestion emanates from those who have always denied that the consumer ever pays the tax.

Mr. President, perhaps the consumer may pay some part of the tax. Possibly, and I think most likely, the excise to be imposed will be so small that it will be impossible to veneer it over the immense sum total. But I will not waste time considering this. Shall we here say that none of the great financial institutions of this country must pay a penny of war taxes because such taxes will by legerdemain be thrown upon the shoulders of those with whom they are to deal?

Shall we say to those of moderate means—“ We do not tax those who are above you in wealth, because the same people who are thus above you can collect taxes assessed against them from you? ” Are we finally to concede that all taxes, revenue, and every other burden must come from the consumer — the less competent to pay of this Republic — and are we to say, finally, that the bill as proposed by the House was correct in that it taxed those less able to pay and should therefore become a law?

Mr. President, at least let us force great and able interests to pay their share — not more than their share — upon some basis that is fair and honest, and let us take the chances in the courts and meet the unavoidable. Let us learn the law, and while obeying it, let us, if our courts interpret it against justice, modify and change it by organic amendment, so as to comply with the demands of patriotism and right.

Mr. President, no one wishes to be unjust to corporations. Those who claim that we attempt to assess such wealth alone do not tell the truth. Equality and uniformity is, I trust, our controlling platform. The difficulty is that vast properties seek to shirk the payment of any taxes. If these interests, great or small, are ready to pay anything, let them say so. Do we ask too much? Inform us of our error and we will meet you. There is no intention to oppress. There is a determination to spread the burdens of war equitably. I am in sympathy with that view.

The vast moneyed interests of this country can not avoid the situation. They hold the purse. They ought not on that account seek to avoid taxes. We are reasonable. We are not endeavoring to make even monopolies pay the expenses of that war, upon the success of which values largely depend. We ask only that the sugar refiners, the Standard Oil Company, the great corporations whose gross receipts exceed $250,000, should do something — just a little — to maintain this Government. If this bill shall deny this tax, for one I am not responsible. Shall not the mighty power of aggregate capital help us to sustain our armies and navies and maintain a nation under whose laws vast financial concerns have originated, developed, and prospered beyond example?

The vote upon the amendment of Mr. GORMAN, as above set out, was as follows:

The result was announced — yeas 27, nays 34; as follows:

YEAS — 27.

Bacon,
Bate,
Berry,
Butler,
Cannon,
Cockrell,
Daniel,
Faulkner,
Gorman,
Gray,
Harris,
Jones, Ark.
Kyle,
McLaurin,
Mallory,
Martin,
Murphy,
Nelson,
Pasco,
Perkins,
Roach,
Stewart,
Sullivan,
Tillman,
Turley,
Turpie,
White.

NAYS — 34.

Aldrich,
Allison,
Baker,
Burrows,
Caffery,
Carter,
Chandler,
Clark,
Cullom,
Davis,
Deboe,
Fairbanks,
Foraker,
Frye,
Gallinger,
Gear,
Hale,
Hanna,
Hansbrough,
Hawley,
Lindsay,
McEnery,
McMillan,
Mantle,
Mitchell,
Pettigrew,
Platt, Conn.
Pritchard,
Proctor,
Sewell,
Shoup,
Spooner,
Wetmore,
Walcott.

Senators not voting were paired.

EXCISE ON REFINING OF SUGAR AND PETROLEUM.

On June 1st Mr. White offered an amendment as follows:

Mr. WHITE. I desire to offer an amendment, which I ask may take the place of amendment No. 177 of the bill. The object of it is, briefly, to impose an excise tax of one-fourth of 1 per cent. upon the business of oil refining and sugar refining, so that the Standard Oil and the sugar trusts will be able to pay taxes under the bill, which under the present status, without this amendment, is somewhat doubtful.

The VICE-PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. In lieu of the committee amendment No. 177, on page 59, it is proposed to insert the following:

> Every person carrying on or doing the business of refining petroleum, or refining sugar, or owning or controlling any pipe line for transporting oil or other products, whose gross annual receipts exceed $250,000, shall be subject to pay annually a special excise tax equivalent to one-quarter of 1 per cent. on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of $250,000.

> And a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of such associations, corporations, companies, or persons to the collector of the district in which any such association, corporation, or company may be located, or in which such person has his place of business. Such return shall be verified under oath by the person making the same, or, in case of corporations, by the president or chief officer thereof. Any person failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than $1,000 and not exceeding $10,000 for each failure or refusal to make return as aforesaid and for each and every false or fraudulent return.

Mr. DANIEL. I wish to say a word about this tax. The great distress amongst the corporations of the country and the wealthy men, which has led them to deprecate being called on to participate in the war with Spain, is relieved to a certain extent by the condition of the Standard Oil Company. I am sure the Senate will receive with satisfaction the information that their certificates are now at the very highest rate they have ever been. It is announced in the papers this morning that yesterday they touched the highest point in their history, being worth 449. I do not think they will be put in the poorhouse by contributing a portion, a small fraction of 1 per cent, to the Government, participating in the advantages of which they have so enriched themselves.

Mr. PLATT of Connecticut. I desire to say in a word why I propose to vote against this amendment. If it were not that a prejudice exists against two corporations, the Standard Oil Company and the American Sugar Refining Company, I think no Senator would vote for it — not one.

Mr. DANIEL. I will be glad to add any other corporation that the Senator may suggest.

Mr. PLATT of Connecticut. It is picking out from all the interests of the country two classes of business where it is absolutely certain that the corporations will not pay the tax, but that it will be paid by the consumer. There is no other business in the country where the corporations or the persons engaged in it can so surely and certainly evade the payment of the tax as in the case of the business of oil refining and sugar refining, and, what is more, the persons engaged in the business will be very careful in raising the price of oil and sugar to raise it a little more than the tax, so that the consumer will pay not only the tax but the additional profit to these two companies.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California [Mr. WHITE].

The vote upon the amendment of Mr. White as above set forth:

The result was announced — yeas 33, nays 26; as follows:

YEAS — 33.

Bacon,
Baker,
Bate,
Berry,
Butler,
Cannon,
Carter,
Chilton,
Cockrell,
Cullom,
Daniel,
Faulkner,
Gorman,
Gray,
Harris,
Jones, Ark.
Kyle,
Lindsay,
Mallory,
Mantle,
Martin,
Mitchell,
Murphy,
Pasco,
Perkins,
Pettigrew,
Roach,
Stewart,
Sullivan,
Tillman,
Turley,
Turpie,
White.

NAYS — 26.

Aldrich,
Allison,
Burrows,
Caffery,
Chandler,
Clark,
Davis,
Deboe,
Fairbanks,
Foraker,
Frye,
Gallinger,
Gear,
Hale,
Hanna,
Hansbrough,
Hawley,
McEnery,
McMillan,
Nelson,
Platt, Conn.
Proctor,
Sewell,
Shoup,
Spooner,
Wetmore.

Senators not voting were paired.

[Extracts from the proceedings of the Senate of June 4, 1898.]

EXCISE TAX ON THE SLEEPING-CAR BUSINESS.

Mr. WHITE. Mr. President, I offer the amendment of which I gave notice on Thursday last, though I have slightly modified it in the particulars which I will state after it has been read.

The PRESIDING OFFICER. The amendment submitted by the Senator from California will be stated.

The SECRETARY. On page 61, at the end of line 14, it is proposed to insert:

> Every person, firm, company, or corporation owning or possessing or having the care or management of sleeping cars operated upon any railroad shall pay an annual excise tax equivalent to one-quarter of 1 per cent. on the gross amount of all receipts of said person, firm, company, or corporation derived from such ownership, possession, care, management, or operation of such sleeping cars, and a true and accurate return of the amount of gross receipts as aforesaid shall be made and rendered monthly by each of said persons, firms, companies, or corporations to the collector of the district in which any such person, firm, company, or corporation may be located or transact such business; such return shall be verified under oath by the person making the same, or, in the case of corporations,, by the president or chief officer thereof. Any person or officer failing or refusing to make return as aforesaid, or who shall make a false or fraudulent return, shall be liable to a penalty of not less than $1,000 and not exceeding $10,000 for each failure or refusal to make returns as aforesaid or for each and every false or fraudulent return.

Mr. WHITE. Mr. President, the only change made in the amendment as printed is the insertion after the word "corporation," in line 6 of such proposed amendment, of the words "derived from such ownership, possession, care, management, or operation of such sleeping cars."

This amendment was inserted because it is represented, and I have no doubt correctly, that there are railroads having their own sleeping cars, and in that event the original phraseology would tax the entire receipts of such railroads regardless of the sleeping-car business. There is no desire to injure those companies in any respect, and so this amendment is suggested.

I suppose Senators who have thought it proper to vote for a reasonable tax upon the refining of oil and sugar will have no difficulty in voting for a most reasonable tax upon this business.

The sleeping-car business of the United States is not a charitable business. It is not conducted upon those broad philanthropic lines which have heretofore appealed to so many Senators in this Chamber, and which have justified them in so far as their own consciences are concerned in voting against placing a particle of taxation upon those agencies. The sleeping-car business of the United States is a pursuit with which the traveling public is quite familiar, and that traveling public is thoroughly well satisfied that the sleeping-car business can stand a small tax.

CALIFO

While it might not be well to impose such an awful burden upon them in time of peace, while it might not be proper as a contribution to our revenues when we have no war, yet when the country is threatened, it is thought, perhaps, they may, without serious injury to themselves, pay a reasonable amount of taxes; nor is it thought that this imposition will interfere with the consumer, whose unhappy state and whose danger has aroused the feeling care and the enthusiastic sentiments of gentlemen upon the other side of the Chamber, for be it remembered that all these votes, Mr. President — and there are many of them which have been cast here — against placing any of the onerousness of taxation upon the great interests of the United States are so counted because those who have cast those votes have felt for the consumer. The institutions themselves are not particularly thought of, but it is because of the consumer that we have refused to assess any of these taxes upon these very large concerns with two exceptions.

Mr. President, the consumer will not have to pay this tax. I do not think it likely that it will be so extensive that even the palace-car companies operating lines across the continent will ask much more than their present rates. They are now extravagantly high; notoriously so. Railroads sometimes engage in mutual competition with each other; we have cut rates occasionally in railroad travel, and the railroads suffer greatly for the time being and often lose money, but the palace-car companies go on in the same old way, levying their large tolls all the time, and with the exception of the elaborate outlay which they make in the way of compensation to their porters, it is not thought that any extravagant charges have been imposed upon them. [Laughter.]

Mr. President, if it is possible for us for a moment to do that which is absolutely just and right, let us put on this tax. The only criticism that can be made of my amendment is that the tax is not large enough, that it ought to be greater; but I know there are Senators here who fear that a quarter of 1 per cent. is the limit, and who think that anything higher would be oppressive. In deference to that sentiment I have made the suggestion contained in this amendment.

I do not think it likely that these cars will suspend operations if we impose this tax; and while we think so much of the consumer, when we are reflecting upon the passage of this amendment, let us ask ourselves whether all we have done in this bill is in the interest of the consumer.

I have heretofore referred, and I will not repeat it, to the oppressiveness of the taxation that is almost direct — if not technically so — upon a large portion of the toilers of the United States. We have not shed any tears for the consumer when we have been levying taxes upon tobacco and beer. We have wept not; on the contrary, we have been disposed to smile. [Laughter.] But in this particular instance, when the palace-car companies of the United States are to be asked to pay something, we are told: "Well, it would be a good thing if we could make these monopolies pay something, but we can not; they will lay it upon someone else, and therefore while we feel these are the most oppressive machines in the world, and while we would like to get at them and want to get at them, we can not get at them, and we refuse to levy a tax upon them because it will hurt someone else."

There may be people — of course outside — who will doubt the sincerity of these statements, but those of us who are here know that they are sincere, and Mr. President, when I see these large institutions escaping taxation by the action of the majority, I do not wonder at the remarks of uncharitable people about ante-election promises. For myself, Mr. President, I have been anxious to defend Senators and parties from that charge, and I have been defending them from that charge, but I confess that my ability to defend them is greatly lessened — and I am sorry for it — by their peculiar attitude upon this floor. I wish they would aid me in making the defense.

Mr. MONEY. I should like to ask the Senator from California a question. I ask him if he does not believe that instead of taxing the sleeping-car companies we would get more money by taxing the gross receipts of the porters on the sleeping cars? [Laughter.]

Mr. ALDRICH. Mr. President, in the section of country from which I come the sleeping-car business is done by the railroad companies, and I see no very good reason why this portion of their business should be taxed and the other portions of their business should not be taxed. The New York and New Haven road, on the line of which I live, runs and maintains its own sleeping cars. This bill proposes, or did propose originally, to tax that company on all of its gross receipts for all purposes on account of the fact that they are presumed to run sleeping cars in competition with some other company who might run them if they did not. I understand the Senator from California has arranged his amendment so that the companies will only pay on that portion of their gross receipts.

Can the Senator tell me any reason in morals or ethics or business why that portion of the receipts of that company should be taxed and the other portion not taxed? If the Senator has some feeling against any particular company, or if he thinks that their charges are too high and he thinks Congress has the power to regulate the charges of sleeping-car companies, would it not be better, more direct, more explicit, and give more relief to the suffering people of California and elsewhere if we should undertake to regulate those charges and make them reasonable, if they are now unreasonable, instead of trying to tax every railroad company in the United States which is presumed to put sleeping cars upon its lines and not attempt to tax any other thing?

Mr. PASCO. I am entirely in sympathy with the Senator from California, but I do not think he has carried his amendment nearly far enough. These companies get large revenues from their day service as well as from their night service, and I see no reason why the amendment should be limited to sleeping cars. I ask the Senator if there is any objection to extending it so as to include also palace cars? That can be done with a very slight amendment to the amendment, and I suggest to him that proper words be inserted so as to cover the palace cars as well as the sleeping cars. If he will accept that amendment, I shall be very glad, and in my judgment it will strengthen his amendment.

Mr. WILSON. Mr. President, I am very much constrained myself to vote for this amendment. In a measure I agree with the honorable Senator from California [Mr. WHITE] that this tax, if imposed, would be a tax upon those who can afford to pay it. I can not, however, agree with the apparent, in tone at least, doxology of the Senator from California in his very mild and even tender criticism in regard to the votes that the majority gave here yesterday respecting the tax on what he is pleased to call the great patriot corporations of the country, namely, the oil trust, the sugar trust, or whatever it may be.

I desire to say, Mr. President, that I voted for the amendment to which he refers. I am willing to take such criticism as may be proper, but I am not willing to place, for illustration, one-fourth per cent. tax upon sugar, and give those gentlemen who control that article absolutely, however unjust it may be, the right and power to raise the price of sugar 1 cent to the consumer, nearly three times the amount they themselves are taxed, and the same on oil. The Senator from California knows that when he was a boy the consumer of oil paid 50 cents a gallon for it, and today it is only 8 cents at retail, and less than 4½ cents at wholesale; and now they control the output of it absolutely and can raise the price, and you would only tax the consumer. No one knows better than the talented Senator from California, with his large experience upon the Finance Committee, that that is true; and yet he rises here and makes some farewell criticism of Senators who do not seem to agree with him upon that subject.

I am willing to go and try to reach those who can afford to pay the taxation, but I am not willing to tax what I believe would be taxing the consumer four times as much as the Government would receive if the law imposed that tax.

Mr. WHITE. I appreciate the sincerity of the motive of my friend from Washington [Mr. WILSON], but I think perhaps he has been overconfident in the statements of some of his colleagues. I believe the amendment as it is now drawn will cover the subject quite fully.

So far as the remarks of the Senator from Rhode Island [Mr. ALDRICH] go, I will say to that Senator that I think we ought to go much further than we have gone; but the trouble is that we never find that Senator in our company when we make any movement at all in the direction of taxation on those who can afford to pay. The Senator from Rhode Island makes no demonstration in that direction, and then, when he has voted down amendments covering these important topics, he generally criticises us because we do not include them.

I have no feeling against these corporations, but know that they ought to pay something. The difference between the Senator from Rhode Island and myself is that he thinks they should pay nothing. There is the essential feature of this matter. The Democratic party, if this is to be a party issue, can afford to stand upon its votes cast here; but it is not a party issue, and ought not to be made so in any way whatever.

Here is a proposition that all the political parties indorsed in their platforms, and they have all asserted that they agree upon it. We all concur in saying that trusts ought to be controlled in some way, and it appears to me, notwithstanding the strong feeling manifested, that even the Senator from Rhode Island should vote for this amendment. Certainly it was not introduced by me with the idea of making any special criticism upon any interest or any party or any individual. I introduced it because I thought it was absolutely just. I am satisfied it does not go far enough; but, so far as it goes, it has met, as to the principle, the approval of the majority of Senators in this Chamber.

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Mr. GALLINGER. Mr President, I have, while the discussion has been going on, drafted an amendment which I think will cover the precise point suggested by the Senator from Rhode Island. It may not be a proper amendment; it was hurriedly written, but I will read it. I will say that if the proposition now before the Senate is voted down, unless some other Senator offers an amendment, I will offer mine. It reads as follows:

> That from and after the 1st day of July, 1898, a stamp tax of one-fourth of 1 cent shall be levied and collected on every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. WILSON. We have not been able to hear the Senator's amendment.

Mr. GALLINGER. I will read it again.

> That from and after the 1st day of July, 1898, a stamp tax of one-fourth of 1 cent shall be levied and collected on every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. BACON. I would ask the Senator from New Hampshire if he recollects the fact that in imposing a stamp tax upon medicine you put it at a quarter of 1 cent on a package worth 5 cents? Now, one-quarter —

Mr. DANIEL (to Mr. GALLINGER). Make it a cent.

Mr. GALLINGER. I suggest to the Senator that we make it a half cent.

Mr. BACON. A cent is not too much.

Mr. GALLINGER. That is agreeable to me.

Mr. TILLMAN. Make it 5 cents.

Mr. GALLINGER. Oh, no! I will modify my amendment when I offer it so as to make it 1 cent instead of one-quarter of a cent. I give notice of the amendment.

Mr. JONES of Arkansas. Mr. President, when this bill was reported from the committee there was a provision that there should be a stamp tax put on messages sent by telegraph. The provision as it came from the committee would have required the sender of a message in every instance to attach the stamp to the message. I moved that those words be stricken out, so that it should be a tax upon the telegraph company, and not a tax on the patrons of the telegraph company.

Mr. ALDRICH. I think there is no objection to that.

Mr. JONES of Arkansas. In this bill from beginning to end the effort seems to have been to levy taxes upon those who patronize these institutions and to allow the men who own them, the men who have the capital in them, the business engaged in them, to go scot-free and pay no taxes whatever. This is another measure of the same kind, which proposes to make the passengers on sleeping cars, in addition to the onerous burden they bear now, pay this stamp tax, instead of making the companies pay it.

Mr. GALLINGER. I was about to observe that I think the point made by the Senator from Arkansas is not very well taken. The seats are never sold, so far as I know, for less than 25 cents, and from that up to two or three or ten or twenty dollars, according to the distance traveled. I certainly never purchased one for less than 25 cents, however short the distance was. It seems to me, if the companies are required to put on a 1-cent stamp, they will not charge 26 cents, but that the company will actually pay the 1 cent. I offer this as a substitute for the amendment offered by the Senator from California, to go in on page 52, after line 16.

Mr. JONES of Arkansas. I should like to ask the Senator a question. Does he propose that the company shall affix the stamp?

Mr. GALLINGER. Certainly. The company shall affix it when the receipt is given to the passenger.

The PRESIDENT *pro tempore.* Is the Senate ready for the question?

Mr. WHITE. I ask that the amendment to the amendment may be stated.

The PRESIDENT *pro tempore.* The amendment to the amendment will again be stated.

The SECRETARY read as follows:

> That from and after the 1st day of July, 1898, a stamp tax of 1 cent shall be levied and collected upon every seat sold in a palace car and on every berth sold in a sleeping car, the stamp to be affixed to the receipt given for each seat or berth so sold.

Mr. JONES of Arkansas. There is no provision that the company shall do it.

Mr. WHITE. I should much prefer to have the amendment offered by me voted upon as it stands. However, that is a mere matter of courtesy.

I do not think the stamp provision as now worded will be effective at all. It merely holds out the "word of promise to our ear and breaks it to our hope." I wish to say that I do not design to interfere with the railroad referred to by the distinguished Senator from Rhode Island [Mr. ALDRICH] or any other special railroad; but if it is true, as stated by the Senator from Rhode Island, that this is a railroad business, then of course, as the bill now stands, there is a manifest discrimination so far as the sleeping-car monopoly is concerned.

I do not know exactly why my friend the Senator from Kentucky [Mr. LINDSAY] has referred to the borax business and the fruit industry today. Neither of them is involved in this bill nor would action as to them be harmonious in this connection. I have not attempted in this brief amendment to reach all the monopolies of the United States. I well understand that I could not do that, for I could not get votes enough to come anywhere near passing such an amendment, and I am taking them up as nearly as I can *seriatim.* I do not know how much good fortune I may have as I go along, but I shall be very glad to vote for the taxing of any monopoly that my friend the Senator from Kentucky may refer to.

Mr. ALDRICH. I would suggest to the Senator from California that he accept the amendment, modified so that there can be no question that the company will put on the stamp.

Mr. JONES of Arkansas. In addition to there being no provision that the company shall pay the tax, this is practically no tax at all. It is proposed to put a tax of 1 cent on a 25-cent ticket. You buy a sleeping-car ticket to California, and whatever it may cost 1 cent goes on it, which will be practically no tax. As a rule the tickets cost not less than $2 or $5. This small tax amounts to nothing — 1 cent on $5.

Mr. ALDRICH. If the Senator will stop a moment and consider the arithmetical side of this question he will find that it is putting on a larger tax than that proposed by the Senator from California. One cent a ticket is equivalent, according to my idea, to a much larger sum. One cent is a quarter of 1 per cent. on how much, I should like to ask the Senator from Arkansas?

Mr. JONES of Arkansas. The Senator started out to give me arithmetical information.

Mr. ALDRICH. It is one-quarter of 1 per cent. on $4. Does the Senator think that the average cost of a sleeping-car ticket in the United States is $4? It certainly is not. This is putting a higher tax upon these companies than the quarter of 1 per cent. on their gross receipts.

Mr. WHITE. I do not agree with the Senator from Rhode Island that this is putting on a larger tax. I suppose he supports the amendment with that view, and I naturally suppose the support it will receive from Senators who have been voting against a tax on gross receipts will be largely based upon the proposition that it will take more from the sleeping-car companies than the amendment which I propose.

Mr. President, I do not think that the person who buys a ticket will ever escape paying anything that involves putting a stamp upon the ticket. I think there is no question about that. As to the average cost of these tickets I have made no inquiry. Of course for a long distance, such a distance as from Chicago to California, the charge is $15.50 for a half section, $31 for a whole, and $59 for a drawing-room. Those, of course, are not the most prominent or unusual cases; the distances are generally less, but I think the $5 charge will be found exceedingly frequent throughout the country generally. The reason why a stamp tax is preferred by these large institutions is because they will not have to pay it.

Now, as I said before, everyone knows that Pullman rates are up to the limit, and a great many people prefer to go through the trials of a night in an ordinary seat than to pay the very excessive charge.

Mr. CULLOM rose.

Mr. WHITE. But I will say to the Senator from Illinois, representing a State wherein one of the largest of these institutions is located, they might possibly get even on the public by reducing the bills of fare and taking off chicken *á la* Marengo and Boston baked beans.

Mr. CULLOM. Will the Senator allow me to make a suggestion? The Senator seems to think that the public will have to pay the cost of the stamp if the stamp provision is adopted instead of making the company pay so much per cent. on the gross earnings. My judgment, from observation, is that it will be exactly the contrary. For instance, take a bank. I once had a little experience with a bank, and came very near having trouble about not having a stamp on every check.

The truth was that the bank took the checks without the stamps and put the stamps on, paid them itself; and that will be the case if this stamp is provided for to be put upon tickets. The railroad company or the sleeping-car company will provide the ticket with the stamp and the public will not pay a cent more for it, in my judgment, while if you make the company pay upon the gross earnings, when probably the company is not making a cent more than enough to pay expenses, you will find that the charge will be paid by the public instead of by the company.

Mr. WHITE. I do not know what became of the bank with which the Senator from Illinois dealt.

Mr. CULLOM. It is running yet.

Mr. WHITE. If it did business on that basis, it must have gone into insolvency or changed management. If the Senator from Illinois imagines that when we send a telegram we will not be compelled to pay a tax upon it, he is mistaken. He says it is a matter of judgment. But in the case of the sleeping-car companies, above all others, it is certain we will have to pay the tax. They are in a position to make us do it. There is no competition usually with reference to them, and we have to deal with them and are in a position where we can not very well avoid it, and where they have the legal right to do it, they will do it.

The amendment proposed by me will compel them to pay the money into the Treasury of the United States, and it seems to me it is the only direct, certain, and proper method of getting at the subject.

Mr. GALLINGER. I have amended my proposed amendment to the amendment and ask that it may be read. I think the Senator from California will be satisfied that as I have modified it the company will have to pay the stamp tax.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. As a substitute for the amendment of Mr. WHITE it is proposed to insert, after line 14, on page 61:

> That from and after the 1st day of July, 1898, a stamp tax of 1 cent shall be levied and collected on every seat sold in a palace or parlor car and on every berth sold in a sleeping car, the stamp to be affixed to the ticket and paid by the company issuing the same.

Mr. ELKINS. That is more comprehensive than the Senator started out with. That would include every seat, I take it, for which a ticket is sold.

Mr. GALLINGER. No; only in a parlor or sleeping car.

Mr. CAFFERY. Mr. President, I consider the stamp-tax amendment proposed by the Senator from New Hampshire as a very good one, and I will support it. I have admired the playful humor of my friend the Senator from California [Mr. WHITE] in attributing to those who did not vote for a tax upon the gross receipts of corporations the philanthropic idea of not destroying their scanty store; but the Senator does not suppose that that playful mood of his will be taken by anybody as serious. It is not — I know in my own case it is not because I do not desire to tax corporations that I voted against the tax on gross receipts of corporations. A number of us have expressed our views on that point, and those views were that we had no right under the decision of the court to tax gross receipts of corporations any more than to tax the net income of corporations.

Besides that, some of us had the folly, I suppose, of thinking, particularly after the explanation of those in charge of the bill, that this was a tax upon a franchise granted by the State. It was distinctly averred to be a tax upon the occupation of being a corporation, and some of us, perhaps in our ignorance, thought that that subject-matter of taxation lay solely within the purview of the State power.

Now, I shall vote cheerfully for a tax upon these sleeping-car companies. I believe it is the universal consensus of opinion that the charges of the sleeping-car companies, if not extortionate, are at least excessive, and while some may urge or argue that it is a luxury to travel upon them, it is more frequently than otherwise a necessity, especially in the case of a person undertaking long journeys.

I do not wish to evoke the specter of the dead past and refer to the attitude of my friend upon the matter of borax, but I submit to him that he ought not to attribute to us who are earnest, perhaps stupidly so, in the matter of opposition to the tax of one-fourth of 1 per cent. upon the gross receipts of railroads any sort of desire to benefit these overgrown corporations.

Mr. WHITE. The borax question to which my friend refers is a matter of his own imagination. I can not understand exactly what he means by his remarks, for I have certainly no knowledge of the existence of facts upon which he can base anything of the kind. But since the Senator from Louisiana has actually agreed that he will vote for a tax upon a monopoly, I will accept the amendment proposed by the Senator from New Hampshire, gladly accompanying my friend the Senator from Louisiana. [Laughter.]

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California as modified.

The amendment as modified was agreed to.

JULIO SANGUILY

EXECUTIVE JURISDICTION IN DIPLOMATIC AFFAIRS.—CONSTITUTIONAL LIMITATIONS PROTECT THE PRESIDENTIAL OFFICE.—THE ORGANIC LAW INHIBITS INTERFERENCE BY THE LEGISLATIVE DEPARTMENT WITH THE EXERCISE OF EXECUTIVE FUNCTIONS.—THE CASE OF JULIO SANGUILY.

Speech Delivered

In the Senate of the United States.

Thursday, February 25, and Friday, February 26, 1897.

The Senate having under consideration the joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen, imprisoned in Cuba —

Mr. WHITE said:

Mr. President: Some time ago I determined to offer certain suggestions with relation to the Cuban question, and especially concerning the Presidential jurisdiction regarding recognition of independence. But as the session was drawing to a close, and as the chairman of the Committee on Appropriations and other members of that committee specially charged with the consideration of those very important measures warned us that there was no time to be spared, I concluded that the Senate would devote itself to the examination of the appropriation bills, and felt that it would be inopportune for me to interject remarks upon another subject. I therefore withheld my views, intending to offer them later on if they seemed relevant to anything that might hereafter occur. But the proceedings this morning have demonstrated that it is not the intention of the Senate of the United States to engage in the business of considering appropriation bills and that we are to spend valuable hours in sensational utterances. We are to engage in fruitless argumentation upon a resolution which can not pass, and which, if passed, would not become effective or even receive Executive consideration; a resolution which could not aid Mr. Sanguily and would, on the contrary, interfere with the effort now being properly made to accomplish his release.

A resolution was offered several weeks past in this body with reference to Cuban independence. That resolution was not pressed. It came in here with considerable flourish of trumpets, if I may be permitted to use such an expression, and was sidetracked. Some reason, no doubt, existed for this. I have no complaint to make on this account, for I am now and have been opposed to its passage.

When the chairman of the Committee on Appropriations [Mr. Allison] last night informed the Senate that it was necessary to sit until midnight in order to pass bills to appropriate money to maintain this Government, we were all made aware of the danger of delay, and yet this morning the Senator deliberately displaced the appropriation bills, and practically declared to the people of the United States that the Senate will not, though it can, pass measures of controlling importance, and will needlessly thus create an absolute necessity for the calling of an extra session, while in the opinion of some of us such necessity would not exist if we attended to our plain duty and ceased the making of disturbing remarks.

If we are to discuss Cuba, we shall go on and discuss it. Both sides shall be heard. After a debate which can not be short we will vote upon a resolution, the passage of which can not, as I have said, be followed by any desirable consequences.

Mr. HALE. Will the Senator from California yield to me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. Certainly.

Mr. HALE. Allow me to suggest here that up to this moment from the beginning of the session all the time on this great subject-matter has been taken up by those who are in favor of what are called Cuban resolutions. Senators who have not believed it was wise to embark upon that subject or to pass declarations inflammatory in their nature, which would tend to complicate the situation, have contented themselves, as the Senator from California has, as I have, and as have a dozen other Senators, with saying nothing, but depending upon the general conservative spirit of the Senate to go on and do business. We are now within seven or eight days of the end of the session, and Senators should understand that, with this whole subject precipitated, those Senators who heretofore have declined to participate in the debate and have allowed it to go on by the advocates of the Cuban resolutions, can not consent that this matter shall be voted upon until it is thoroughly debated, and it can not be said and urged that it is in the interest of delay, because up to this time hardly one Senator has lifted his voice against any of these resolutions. We have been content to go on and do business, I repeat, and desire now to do that, but Senators may as well understand that here, within one week of the end of the session, with all the appropriation bills which have not been passed pending, to take up this question and to begin to debate it and to follow its debate until the question is taken, substantially confiscates every hour of this session, and no appropriation bill can be passed.

I trust the Senators who voted to displace an important appropriation bill in order to take up this joint resolution will realize that we shall not be taunted because we choose to debate this subject, which the Senate has taken on against our votes, with the charge that we are delaying matters. We have a right to be heard, Mr. President, on this question as well as all of the Senators who have fulminated before the country ever since last December, and who will only be content now in dragging this discussion before the Senate. The matter will be discussed, and the other side will be presented.

Mr. WHITE. Mr. President, in connection with the remarks of the senior Senator from Maine, I may be permitted to observe that I have taken much interest in the legal aspects of this question;

but I have refrained from indulging in any lengthy debate, or doing more than to ask a very occasional question of Senators occupying the floor, because I did not wish to interfere with other measures.

The resolution now forced upon us presents so many grave questions that those of us who differ from the majority of the Committee on Foreign Relations should not remain silent, and I for one do not propose to do so. I intend expressing my opinions. It can not be truly stated that I am so acting to consume time, because my course in the past has been demonstrative of my desire in the other direction. If I can prevent the accomplishment of a mistaken plan, I will do so.

Let me ask, preliminarily, What is the object attempted to be brought about by precipitating this discussion at this time, really in violation of the agreement which was tacitly had last night, to devote this day's session to the consideration of appropriation bills? From 11 o'clock this morning until this moment we have been engaged in discussing this resolution reported by the Committee on Foreign Relations only yesterday, accompanied by a report of 96 pages, a large portion of it closely printed. Are we entitled to examine that report? Can this be done in a minute?

Assuming that there is reason for the passage of this resolution, assuming that there is a result in sight, and a desire to benefit this unfortunate man—though the course adopted is most hurtful to him—assuming all this, let me inquire by what authority and in what manner do Senators who are so fervid expect to accomplish anything by its passage in this body? Let it be granted that the Senate of the United States shall adopt it; let it be granted that those of us who oppose the views of the majority of the Committee on Foreign Relations shall remain silent and allow everything to be said by the other side and permit the resolution to go through intact. Then the House of Representatives is reached; grant that it shall be accorded a favorable reception there—and this is purely a matter of assumption—then, as the resolution is joint, it must be presented to the President of the United States. Is it to be supposed that he will approve it? Manifestly not. I speak from the record, a record of which every Senator should be thoroughly cognizant. The Executive Department of this Government has had this affair under advisement. The President has been acting within the lines of his authority and has considered this very issue. He has done his duty as he understands it, and if he is to be consistent he will pocket this joint resolution. Do the advocates of this resolution think that anything practical is to be gained by pressing it here and now? It will not benefit Sanguily. It will avail no one.

Mr. HILL. Will the Senator allow me a moment?

Mr. WHITE. Certainly.

Mr. HILL. The premier of the next administration reported this joint resolution to the Senate yesterday.

Mr. WHITE. Yes, sir.

Mr. HILL. And while he would not ask it to be acted upon then, he expressed a hope that the Senate would take it up today and pass it at once. It is whispered to me from the rear that he voted against its consideration today; but I was not going to make that statement. I simply suggest that even if the Senate alone passes the resolution, it will at least have some moral effect upon the next Administration, I should hope.

Mr. WHITE. I differ from the Senator from New York. I hope the Senator from New York will not make it incumbent on the chairman of the Committee on Foreign Relations to carry into his policy as Secretary of State the views which he has announced in this Chamber.

Mr. HILL. Why should he not be consistent?

Mr. WHITE. It is within his power and sole jurisdiction, Mr. President, it appears to me, to be or not to be consistent [laughter], and I submit that the Senator from New York should not seek to tread within that sacred circle. [Laughter.]

It is a fact that the Committee on Foreign Relations, having had Cuban affairs under their consideration, and having had an opportunity to press them when a final vote might have been reached, have nevertheless waited until the appropriation bills have come here, and then have sought a final decision. I for one, occupying a seat upon the minority side of this Chamber, do not wish it truthfully charged that I have been a participant in the defeat of appropriation bills, but I do not propose to be foreclosed of my right to discuss this subject which has been incontinently and improperly interjected into our business.

I think I have shown, Mr. President, that nothing of good can follow the adoption of this joint resolution even by the Senate and the House. It has no place here. Sanguily does not need it. Common sense dictates that his case will not be furthered by its adoption. Why not withdraw it?

Mr. President, there are several resolutions on the Calendar touching the Cuban question. That part of our history which covers Cuban disturbances is rather a peculiar one. I will present the general resolution 163, which I ask may be read at the desk.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Secretary will read as requested.

The SECRETARY read as follows:

> That it is hereby declared that a condition of public war exists between the Government of Spain and the government proclaimed and for some time maintained by force of arms by the people of Cuba, and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Mr. WHITE. Then there was introduced the following resolution by the Senator from Georgia [Mr. BACON]:

> *Resolved by the Senate* (*the House of Representatives concurring*), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power.
>
> *Resolved further,* That this prerogative of sovereign power does not appertain to the Executive Department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

Then we have the joint resolution of this morning, which has already been read, but which I shall incorporate in my remarks, accompanied, as I said before, by Report No. 1534, comprising 96 pages of largely closely printed matter.

The joint resolution is as follows:

> *Resolved by the Senate and House of Representatives, etc.,* That the Government of the United States demands the immediate and unconditional release

of Julio Sanguily, a citizen of the United States, from imprisonment and arrest under the charges that are pending and are being prosecuted against him in the military and civil courts of Cuba, upon alleged grounds of rebellion and kidnaping, contrary to the treaty rights of each of said Governments and in violation of the laws of nations.

And the President of the United States is requested to communicate this resolution to the Government of Spain, and to demand of that Government such compensation as he shall deem just for the imprisonment and sufferings of Julio Sanguily.

We have not adopted the resolution regarding independence. At the last session we expressed an opinion favoring recognition of belligerency. This was a mere expression of opinion. It was in no way binding on the Executive. Our attitude is peculiar. We are not willing to recognize the independence of Cuba. In my judgment we are without power to do so. Then we are expected to demand the release of an alleged American citizen charged with the commission of crime abroad. We are required to find his citizenship, to declare him innocent, and to, by implication, censure the Department of State. All this is to be done without examination—proceeding upon faith entirely—in the last days of this Congress.

Mr. President, the termination of this Administration will soon be witnessed. Everyone in this Chamber knows that upon the most important and radical issue before the American people I dissent from the position of Mr. Cleveland as clearly and as fully as I expect to dissent from the financial policy of the Administration of Mr. McKinley, but I do not permit my views upon one or a dozen subjects to interfere at all with my defense of the conduct of the Executive in the matters now under review. I deem it my duty to see that something is presented in justification of the President and the Secretary of State with reference to unfounded accusations of usurpation which have been repeated with wearying frequency here and elsewhere. Were the appropriation bills allowed a right of way, I would postpone my observations; but I must deal with conditions as I find them.

The joint resolution reported by the Senator from Alabama who sits in front of me [Mr. MORGAN], with the indorsement of the Senator from Ohio [Mr. SHERMAN], who is to be the Secretary of State, comes to us just as this Administration is going out. The Senator from Ohio, as the head of the diplomatic department of the incoming Government, will soon attend to this matter himself. Instead of coming here as chairman of his committee and now seeking to put the burden upon us, let him wait a few days and take the responsibility himself. He will have to do so ultimately. Why does he not abstain rather than to join in an effort to defeat the appropriation bills and precipitate a discussion which can have only that result, and which will not, I assure him, end in the passage of the joint resolution here pending?

Mr. SHERMAN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Ohio?

Mr. WHITE. I yield to the Senator from Ohio gladly.

Mr. SHERMAN. Mr. President, the Senator from California seems to desire to drag me into this debate when I certainly do not care to enter upon it.

As to the joint resolution which is pending, I think it ought to command the unanimous approval of the Senate. I believe in the declaration that injustice, gross injustice, almost barbarous injustice, has been done to a naturalized citizen of the United States, and I say, therefore, that his rights, the rights of even a single person, ought to be respected, guarded, and protected by the Senate of the United States.

I have not, however, been in favor, and am not now in favor, of passing this joint resolution at this moment when it stands in the way of appropriation bills. I have so voted and shall so vote again, and I trust that, after the debate has gone on for a while, Senators here will see the necessity of taking up the appropriation bills and passing them.

I do not think there is any matter of criticism in the fact that this joint resolution was reported from the Committee on Foreign Relations by the honorable Senator from Alabama [Mr. MORGAN] rather than by myself. That was done because he has taken a more active interest in the subject than I. He has prepared a long, full, and detailed report setting out every material fact which bears upon the case. Therefore at my request that Senator properly reported the joint resolution, and I shall vote for it.

I hope that Senators will not be carried off merely because they have been defeated upon a question of the order of business. They themselves stand in the way of a vote on this resolution. I believe the friends of the joint resolution are willing to vote upon it without delay, and thus the opinion of the Senate may be had and the appropriation bills be taken up; but to say that, because we desire this joint resolution to be passed, we are opposed to the passage of appropriation bills is a gross injustice to us. I intend to support and stand by the Committee on Appropriations this day and until the end of the session, in order that they may complete all the appropriation bills which are necessary in order to carry on the operations of the Government; but that shall not prevent me from doing what I think is right in behalf of any of the people of the United States to protect our citizens against unlawful insolence, violence, and wrong. I trust in God the time will never come when I shall see an American citizen wronged of his rights and persecuted and prosecuted unjustly by any power, great or small. That is the way I feel now.

I am in favor of protecting this particular American citizen, although he is a naturalized citizen, in all the rights of man. I would not see him destroyed or driven to the fate of another naturalized citizen who was probably compelled to kill himself, or who was killed in custody. I am opposed to wrong and violence and tyranny wherever it is exercised, and when it is inflicted upon a citizen of the United States I will stand by him if I am alone.

Mr. WHITE. Mr. President, we are all opposed to wrong. Of course we are all in favor, I hope, of protecting American citizens. I am as resolute in this as the Senator from Ohio. Some of us differ as to exactly how we should go about it; some of us prefer that an American citizen should be actually protected, while some prefer to talk of protection without bringing it about. The American citizen who behaves himself will be protected. Whether he acts lawfully or otherwise, he will be guarded in his rights. But I must have a case reasonably proven before I can act.

The Senator from Ohio, as chairman of the Committee on Foreign Relations, allowed this joint resolution to be brought in, when he knew that thereby he would precipitate a debate and that nothing practical could come of it. Did he think that those of us who have refused heretofore to engage in discussions because we did not wish to interfere with legislation would be driven from the assertion of our conscientious opinions by the pretext that we were consuming time, and this because we do not wish an obnoxious resolution to be voted upon? The Sanguily matter has been before this committee for months, and he selected the most inopportune time for this display. The Senator from Alabama is an able man and thoroughly conversant with these questions, but the Senator from Ohio did not escape any responsibility for himself when the Senator reported this resolution. The Senator from Ohio, knowing that this resolution could not be adopted, knowing that within ten days he will be in charge of the State Department, still risked the defeat of the appropriation bills. Having done that, he turns around and says he is in favor of taking up the appropriation bills and regrets the disturbance which he himself has inflicted upon us. This may appear to the Senator from Ohio to be consistent. It does not appear to me to be very consistent.

More than that, the Senator says that he ascertained that Julio Sanguily was being badly treated. When did he learn that? Within the last two or three days? As chairman of the Committee on Foreign Relations, he ought to have known as much about this matter as those of us who are not upon that great committee. There was brought into the Senate many, many days ago, Senate Document 104, setting forth all the evidence contained in the report of the committee presented to us this morning. So this subject was before the Senator from Ohio, and before those who sympathize and agree with him, weeks ago, and action was withheld until this late hour, when, as I have stated, the able and conservative Senator who is chairman of the Committee on Appropriations had announced the impossibility of legislation unless we devote unremittingly each full day remaining to our proper work. Senate Document 104, containing all this evidence, was filed here on February 1 of this year, and its contents, it is safe to say, were known to the Senator from Ohio much earlier. If he has other information, he has not disclosed it.

The merits of Julio Sanguily's complaint can be dealt with by the Senator from Ohio in ten days from this date in accordance with his views of the proprieties. That it can not be dealt with earlier, except in accordance with the views of the present Administration, is a fact which, whether he likes it or not, he must concede. Why, then, press the resolution? The first and most important question, perhaps, calling for examination, is that involving the power of Congress to pass a general resolution of recognition, either of belligerency or independence. It is not proposed to rely upon legislation enacted upon any supposition or presumption, but it is sought to directly recognize the independence of an alleged Cuban republic, not only without Executive concurrence, but in the face of the fact that the Executive has steadfastly declined to make such recognition. It is the determination of the advocates of Congressional power to force recognition in spite of the Executive. Can this be done? At the outset it is proper to consider whether Congress has any such power, and if it is ascertained that the authority exists, whether a proper case has arisen for its exercise.

When it was stated that the Secretary of State claimed that the Executive possessed the exclusive authority to recognize independence, he was denounced in many quarters, not only in various newspapers, but also upon this floor; and it was even stated here that the doctrine which he advanced was absolutely novel, and that no similar pretension had ever been made. This groundless assertion has been so far modified that a distinguished Senator who ably advocated the so-called Cuban side of the controversy declared that the claim was first made twenty-three years ago. It will be easy to show that not only is there nothing new in the recent announcement of the Secretary of State, but that the view which he has taken seems to be supportable on principle, and is certainly in accord with the best precedents, diplomatic and judicial. There is nowhere in the Constitution a direct delegation, in terms, of power to recognize belligerency. Nothing of the kind is contained in the legislative grant, nor does specific phraseology conferring the authority manifest itself in that part of the organic law which is devoted to the Executive Department. It was lately said by a most able and learned Senator, with regard to the constitutional provisions referring to the Congress, that —

> There are more provisions devoted to that subject than to any other. It precedes the Judicial Department; it precedes the Executive Department; it is first in time, first in right, power, and authority.

And the same learned Senator further remarked:

> If, then, the President perversely and lawlessly refuses or declines to appoint an ambassador when Congress desires one in the form of law, we could direct by law that he should appoint one to a particular country; and in case of his further refusal, we could name and designate a person as our political agent to perform such duties as are usually performed by the Presidential appointee, because such a power is necessary and proper to the execution of the paramount power of Congress to regulate our intercourse with foreign nations. And we may well note here how close this construction is in harmony with the Constitution, a harmony designed in all its parts, because such an appointee by Congress, the person temporarily designated by Congress, vested with ambassadorial, consular, or ministerial powers would receive a two-thirds vote of both Houses of Congress, the Senate and the House of Representatives, a larger majority than if he had been appointed and commissioned by the President and the Senate to that office, for such law could only be passed over the veto of the President by a two-thirds vote of both the Senate and the House.

Notwithstanding my high regard for the abilities and character of the distinguished Senator from whom I have quoted, I find myself unable to subscribe to this doctrine. While it is true that a law which passes over the Presidential veto receives a larger majority than would an appointee of the President confirmed by the Senate, yet it appears to me that this is not the point at all. The treaty-making power is vested in the Executive, subject to the advice and consent of the Senate, and while a treaty may be repealed by a law, it can not be made in any other way than that designated in the organic instrument. The President must propose the treaty. He may withdraw a treaty before ratification. He may decline to submit an amended treaty to the other contracting power. If the Senate unanimously votes to make a treaty, such vote is of no effect unless the Executive submits the convention.

President Harrison, without consulting the Senate or either branch of Congress, recognized the Dole Government of the Hawaiian Islands, and the Secretary of State, on the 15th of February, 1893, placed before Congress a treaty of annexation entered into by this Government with the representatives of the new establishment of Hawaii. This treaty was being considered by the Senate when it was withdrawn by President Cleveland, and although it has been generally supposed that a majority of the Senate favored the scheme outlined in that document, no opportunity was given to vote upon it, and no one denied the authority of the President to withdraw the proposition; and whether the Senate relished Mr. Cleveland's action or did not relish it was entirely immaterial. He had the constitutional power to act as he did, and although Senators might have considered that they were better advised in the premises than the President, nevertheless this faith in themselves was not potential enough to overcome constitutional obstacles.

I can not bring myself to believe that the mere fact that Congressional powers are enumerated earlier in the Constitution than those of the Executive adds anything to the authority expressly given. The words used to confer power upon the Executive are just as potential for the purposes named as those which demark legislative limits. While it is true, perhaps, that the more weighty obligations are assigned to the Congress, yet this does not affect the completeness and exclusiveness of the Presidential grant as far as made. If the Supreme Court, contumaciously or corruptly, fails to decide cases submitted to it, Congress can not, for that reason, do the work of the court. The argument that there is danger that the President may refuse to do his duty is not new. It was largely acted upon in the formulation of the Articles of Confederation, but the views of our early statesmen were considerably modified when the constitutional convention met. That power given might be abused all knew. It was not expected that a system could be devised which would render usurpation or other misconduct impossible. Various duties were assigned to different officers in the hope that such distribution would result beneficially, and that evil would less frequently prevail than under other dispensations. The claim made that the President represents the one-man power and Congress the people is mythical.

The President and Congress and the judiciary each and all represent the people, and the Government thus formed constitutes that system, composed of three independent departments which the people have ordained. The department which is the repository of executive power is the creation of the people and represents their behests, and he who seeks to deprive the executive of those rights attacks the people and endeavors to avoid the popular will constitutionally expressed. Congress can not usurp executive functions. If the President may not exercise power conferred upon Congress, so also is it true that Congress can not trench upon executive territory. The functions permitted to the executive and those committed to the judiciary and Congress in the aggregate constitute, as I have said, the governmental scheme outlined in the organic law. It appears to me peculiar to hold that the defined and limited jurisdiction of the Congress possesses an absorbing and accumulating nature adequate to draw to itself the non-asserted powers of the other departments, that Congress is the beneficiary of executive non-action.

If it be true that we are governed under a system of delegated powers, under what rule of constructions can we hold that, although the Constitution gives to the President and does not give to Congress the power to appoint ambassadors, nevertheless, if the President refuses to do so, Congress may undertake his constitutional duty? It seems to be thought that the exigencies of the situation will justify this. No exigency can warrant the doing of any act by either department not permitted by the Constitution. The powers not conferred by the Constitution are reserved. This reservation is not made in favor of Congress. It was not designed to give plenary authority to Congress. The people, it is true, jealously guarded their rights, but the whole plan was formed to protect their interests. The experience of the confederation had not been lost. The ablest men of the time believed that three departments, distinct, independent, each separated from the other by impassable lines, were essential to the perpetuity of free institutions. Neither of these can lawfully grasp jurisdiction because of non-exertion by the department to which it has been committed.

The absolute separation of the executive from the other departments was early the subject of solicitude. In the convention Mr. King expressed his apprehension that an extreme caution in favor of liberty might enervate the Government we were forming. He wished the House to recur to the primitive axiom that the three great departments of government should be separate and independent; that the executive and judiciary should be so as well as the legislative; that the executive should be so equally with the judiciary. Those who desire to study this portion of the debates will find it in the Second Journal Constitutional Convention (Madison), page 394.

During the debate upon the executive power, Mr. Madison said (I Journal, page 387):

> If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is clear also that they be independently exercised. There is the same and perhaps greater reason why the executive should be independent of the legislative than why the judiciary should.

This, Mr. President, is the language of Madison.

It was well said by the Supreme Court of the United States in Marbury *vs.* Madison (1 Cranch, 176):

> The powers of the legislature are defined and limited, and that those limits may not be mistaken or forgotten, the Constitution is written. To what purposes are powers limited and to what purpose is that limitation committed to writing if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed are of equal obligation.

And in the same case it was also said:

> Questions in their nature political, or which are by the constitutional laws submitted to the Executive, can never be made in this court.

In Kendall *vs.* United States (12 Peters, 610) the court said:

> The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power.

The very basis of our governmental plan is the distribution of responsibility among the several departments. Unquestionably the Executive may fail to do his duty, and great public interests may be sacrificed; but so, also, may it be said that Congress may fail to act discreetly, and thereby sacrifice grave public interests. Charges of that kind have been often made, and there has been much evidence in support of the accusations.

If Congress has the right to appoint an ambassador in the case already mentioned, who is to determine whether the refusal of the President to make an appointment has been perverse or lawless? The answer will probably be that Congress must determine the fact. Therefore, it necessarily results that whenever the legislative department may decide to harass the President, it can find this jurisdictional fact and can thereupon assert his prerogatives, and practically exercise the functions of government committed to him.

But I am unable to find a word in the Constitution directly or by implication assigning Presidential functions to Congress when the Executive declines to act affirmatively. As well might it be urged that a similar failure of Congress, with reference to some conceded duty, such as appropriating money for necessary public purposes, would vest authority in the President to meet the exigency. With equal reason it might be contended that because the Senate today declines to act upon appropriation bills, and devotes itself to issues upon other topics, that therefore the President alone has the power to appropriate money.

Presidential obligation or Congressional duty is not enjoined conditionally. The grant is in each instance absolute. Neither department has a contingent right to move. The location of jurisdiction is fixed by the instrument and not by the whim or caprice of the official. It can always be found. It needs no expert to discover it, nor is it located first here and then there. The plea that somebody could act the fool or the knave was no doubt a factor in the convention's deliberations. If it was believed that a man selected to the highest national office could be trusted to obey the Constitution, especially with the sword of impeachment hanging over him, such assumption was probably based upon the idea that the people would most likely choose an honest and capable man, and that the presence of such honesty and capability was necessarily involved in the faith of the fathers that a republican government was possible.

The authors of the Federalist frequently had occasion to refer to the division of power, and they strenuously contended that proper lines of demarcation had been provided. There is not a hint anywhere indicating that it was supposed that Congress had the right to exercise in any event or at all the duties assigned to the Executive.

The President has power to grant reprieves and pardons, except in cases of impeachment, and this authority is exclusive, as stated in Klein's case. (13 Wall. U. S., 138.) He is also given jurisdiction, by and with the advice of the Senate, to make treaties, and he shall nominate and by and with the advice of the Senate shall appoint ambassadors, etc. The exclusiveness of the grant is as evident in the case of the executive as in the Congressional and judicial instances. Mr. Justice Story says:

> In the government of this commonwealth the legislative department shall never exercise the executive or judicial powers, or either of them, etc. (1 Story, Cons., section 520.)

James Wilson, who was an associate justice of the Supreme Court of the United States and professor of law in the College of Philadelphia, in the course of a lecture delivered by him on "Government" (to be found in volume 1, Wilson's Works, Andrews's edition, page 365) says:

> Though the foregoing great powers, legislative, executive, and judicial, are all necessary to a good government, yet it is of the last importance that each of them be preserved distinct and unmingled in the exercise of its separate powers with either or with both of the others. Here every degree of confusion of the plan will produce a corresponding degree of interference, opposition, combination, or perplexity in its execution. * * * Liberty and security in government depend not on the limits which the rulers may please to assign to the exercise of their own powers, but on the boundaries within which their powers are circumscribed by the constitution.

He further says (page 367) — and his language may be quoted with appropriateness here:

> Each of the great powers of government should be independent as well as distinct. * * * The independency of each power consists in this, that its proceedings, and the motives, views, and principles which produce those proceedings, should be free from the remotest influence, direct or indirect, of either of the other two powers.

In speaking of the power of the President to grant pardons, Mr. Rawle (Rawle on the Constitution, page 164) concludes that in the case of a vacancy in the office of President there is no power to grant pardons, and remarks (page 166) that in the exercise of the benign prerogative of pardoning it has been justly said that the President stands alone.

The authors of the Federalist understood that they were giving to the President considerable authority.

Mr. Madison's remarks, to be found in the thirty-eighth number of the Federalist, pages 291, 292, Hamilton's edition, clearly prove that he was not only cognizant of the fullness of executive power, but that he justified it.

In discussing the objections made to the Constitution with reference to the blending of powers, Mr. Madison declares (47 Federalist, 373):

> No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the Federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, that it will be made apparent to every one that the charge can not be supported, and that the maxim on which it relies has been totally misconceived and misapplied.

I quote again from Mr. Madison:

> It is agreed on all sides that the powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments. It is equally evident that neither of them ought to possess, directly or indirectly, an overruling influence over the others in the administration of their respective powers. It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.

> After discriminating, therefore, in theory, the several classes of power, as they may in their nature be legislative, executive, or judicial, the next, and most difficult task, is to provide some practical security for each against the invasion of the others. What this security ought to be is the great problem to be solved.
>
> Will it be sufficient to mark, with precision, the boundaries of these departments, in the Constitution of the Government, and to trust to these parchment barriers against the encroaching spirit of power?
>
> This is the security which appears to have been principally relied on by the compilers of most of the American constitutions. But experience assures us that the efficacy of the provision has been greatly overrated, and that some more adequate defense is indispensably necessary for the more feeble against the more powerful members of the Government. The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex.

Said Mr. Justice Harlan, in Clough *vs.* Curtis (134 U. S., 371):

> One branch of this Government, this court said in the Sinking Fund Cases (99 U. S., 700), can not encroach on the domain of another without danger. The safety of our Constitution depends in no slight degree on the strict observance of this salutary rule.

It is undoubtedly true, as said by Chief Justice Fuller in *Ex parte* Tyler (149 U. S., 164), that the maintenance of a system of checks and balances characteristic of republican institutions requires the co-ordinate departments of Government, whether Federal or State, to refrain from infringement on the independence of each other.

It might be added that the lodgment of concurrent authority in the executive and legislative departments could never have been intended. The confusion sure to ensue from such a plan is manifest. Nor is there any reason to suppose that any Presidential prerogative is made dependent upon the non-action of Congress. If there is a word in the Constitution justifying the assertion that the President has the right to recognize independence until Congress sees fit to act, and that then his power ceases, it has not been pointed out. The Presidential power in this respect has been exercised during recess and when Congress was in session, and has never been successfully combated.

> By affixing his signature to an act or a treaty containing such phrase, the President does not effect any change in the Constitution. He can not take constitutional power in virtue of any clause of an act of Congress; nor can he so surrender it. The constitutional power of each of the three great departments of the Government, respectively, belongs to the offices, not the officers, and can not, by any act or words of theirs, be withdrawn from the permanent and pervading authority of the Constitution. (7 Op. Atty. Gen. [Cushing], 276).

Said Attorney-General Black (9 Op. Atty. Gen., 468-469):

> As Commander-in-Chief of the Army it is your (the President's) own judgment what officer shall perform any particular duty, and as the supreme executive magistrate you have the power of appointment. Congress could not, if it would, take away from the President, or in any wise diminish the authority conferred upon him by the Constitution. * * * If Congress had really intended to make him independent of you, that purpose could not be accomplished in this indirect manner any more than if it was attempted directly. Congress is vested with legislative power; the authority of the President is executive. Neither has a right to interfere with the functions of the other.

Whether the powers conferred upon Congress are more important than those devolving upon the President it is immaterial to inquire. It may be assumed for the sake of argument that the greater responsibility rests upon the former. It is, nevertheless, true that the failure on the part of the President to exercise those functions which pertain to his office and which are not permitted to Congress, can not result in an investiture of authority in the legislative department; nor is it correct to say that the framers of the Constitution intended to subordinate the Executive to the Congressional will in cases other than those where such intention is plainly announced.

In considering the President, Hamilton said (The Federalist, No. 73, page 546):

> The propensity of the legislative department to intrude upon the rights and to absorb the powers of the other departments has been already more than once suggested; the insufficiency of a mere parchment delineation of the boundaries of each has also been remarked; and the necessity of furnishing each with constitutional arms for its own defense has been inferred and proved.

In further discussing the reasons for the conferring of authority upon the President, Mr. Hamilton continues (page 547):

> The propriety of the thing does not turn upon the supposition of special wisdom or virtue in the Executive, but upon the supposition that the legislative will not be infallible; that the love of power may sometimes betray it into a disposition to encroach upon the rights of the other members of the Government; that the spirit of faction may sometimes prevent its deliberations; that impressions of the moment may sometimes hurry it into measures which its own mature reflection would condemn.

Examples of this kind are, as we all know, of frequent occurrence. These expressions were used with reference to the veto power, but demonstrate that the legislative department was not regarded as constituting an errorless tribunal.

The same view of the subject has been taken by constitutional writers since that time. Justice Miller, in his Lectures on Constitutional Law, page 94, mentions the fear which was entertained with reference to the powers of the Executive, and in commenting thereon he says:

> This belief, though natural enough at that time, was a very great mistake. The nearer we approach to individual responsibility in the executive, the nearer will it come to perfection. It is my deliberate opinion that of all the three branches which have been discussed, the executive has been in time, under the construction given to the Federal Constitution and its practical administration, most shorn of the powers granted to it thereby. * * * But the branch of the Government which has grown the most, and which a sagacious man might, perhaps, have foreseen would so expand, is the legislative.

Justice Miller also says (Lectures, page 157):

> The experience of a century of the operations of the Government has shown that while the growth of the country in territory, in population, in wealth, and in power has added largely to the patronage of the Executive in the way of appointments to office and to the importance of those offices, and while the frequent accession of successful and popular military chiefs to the Presidency, some of whom were men of arbitrary disposition, and well inclined to the exercise of all the power which the Constitution gave them, and who have shown in every instance a disposition for a continuance in power by seeking or accepting a re-election, there has never been the slightest danger to the liberties of the country, or of an overthrow of the existing institutions, or of any material infraction of the general principles of constitutional government from this quarter. In fact, of all the three branches of the constitutional government of the United States, the executive has been the most crippled, confined, and limited in its practical use, during the period mentioned, of the power really conferred on it.

See also Story on the Constitution, section 1570.

These comments, it is submitted, are sufficient to justify the statement that the powers delegated to the Executive by the organic law are not, in the event of his neglect to exercise the same vested in any other department of the Government. It is true that impeachment can scarcely be called a remedy, but it is likewise true that the power to impeach is a deterrent, and the responsibility of the President to the people and the authority vested in Congress to impeach him constitute ample security against mal-administration. To assume that it is necessary or that it would be proper to otherwise limit the authority of the Chief Magistrate is to insinuate that the system under which we are operating is a failure, and that the people can not find within their midst a man to whom the discharge of the obligations of the Chief Magistrate can be safely confided. I will hereafter discuss the relative fitness of the Executive and Congress to deal with diplomatic questions.

During the convention Mr. Morris remarked, in response to a suggestion by Mr. Madison, who favored the trial of the President on impeachment proceedings by the Supreme Court, that he thought no other tribunal than the Senate could be trusted. The Supreme Court were too few in number, and might be warped or corrupted. He was against a dependence of the Executive on the Legislature, considering the legislative tyranny the great danger to be apprehended; but there could be no danger that the Senate would say untruly, on their oaths, that the President was guilty of crimes or facts, especially as in four years he can be turned out.

Those who are curious with reference to this interesting portion of the discussion can find it in 5 Elliott's Debates, page 528.

It is evident that these great men deduced from their impartial study of the question the conclusion that it was necessary to guard against legislative usurpation.

THE RIGHT TO RECOGNIZE THE INDEPENDENCE OR BELLIGERENCY OF A FOREIGN GOVERNMENT IS VESTED EXCLUSIVELY IN THE EXECUTIVE.

I understand that it is generally conceded that the President has the power to recognize belligerency and independence, but it is claimed that this power is not exclusive, and that it is subject to the paramount authority of Congress. However, suggestions have been made to the effect that the Executive does not possess the power at all; that it is purely legislative. I will therefore first consider the subject in that aspect, and if I can show that the power does exist in the Executive, its exclusive character must, I think, be admitted.

It appears to me that if the President has the authority at all, such authority must be exclusive. I can not conceive, as already intimated, that there can be a concurrent delegation of the power to recognize to both Congress and the Executive, and it seems to me clearly untenable to assert that while the President may, if Congress remains passive, recognize belligerency or independence, nevertheless his action can be neutralized or reversed by act of the legislative department. But I will examine this branch of the subject as the argument progresses.

Among Presidential duties is that which authorizes the reception of ambassadors and other public ministers.

Judge Story, perhaps the ablest commentator upon the Constitution, treats this section as follows:

SEC. 1565. The next power is to receive ambassadors and other public ministers. This has been already incidentally touched. A similar power existed under the confederation; but it was confined to receiving "ambassadors," which word, in a strict sense (as has been already stated), comprehends the highest grade only of ministers, and not those of an inferior character. The policy of the United States would ordinarily prefer the employment of the inferior grades; and therefore the description is properly enlarged, so as to include all classes of ministers. Why the receiving of consuls was not also expressly mentioned, as the appointment of them is in the preceding clause, is not easily to be accounted for, especially as the defect of the confederation on this head was fully understood. The power, however, may be fairly inferred from other parts of the Constitution; and, indeed, seems a general incident to the executive authority. It has constantly been exercised without objection; and foreign consuls have never been allowed to discharge any functions of office until they have received the *exequatur* of the President. Consuls, indeed, are not diplomatic functionaries or political representatives of a foreign nation, but are treated in the character of mere commercial agents.

SEC. 1566. The power to receive ambassadors and ministers is always an important and sometimes a very delicate function, since it constitutes the only accredited medium through which negotiations and friendly relations are ordinarily carried on with foreign powers. A government may, in its discretion, lawfully refuse to receive an ambassador or other minister without its affording any just cause of war. But it would generally be deemed an unfriendly act, and might provoke hostilities unless accompanied by conciliatory explanations. A refusal is sometimes made on the ground of the bad character of the minister, or his former offensive conduct, or of the special subject of the embassy not being proper or convenient for discussion. This, however, is rarely done. But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, *flagrante bello*. In such a case a neutral nation may very properly withhold its recognition of the supremacy of either party or of the existence of two independent nations, and on that account refuse to receive an ambassador from either. It is obvious that in such cases the simple acknowledgment of the minister of either party or nation might be deemed taking part against the other, and thus as affording a strong countenance or opposition to rebellion and civil dismemberment. On this account, nations placed in such a predicament have not hesitated sometimes to declare war against neutrals as interposing in the war, and have made them the victims of their vengeance when they have been anxious to assume a neutral position. The exercise of this prerogative of acknowledging new nations or ministers is therefore, under such circumstances, an executive function of great delicacy, which requires the utmost caution and deliberation. If the Executive receives an ambassador or other minister as the representative of a new nation, or of a party in a civil war in an old nation, it is an acknowledgment of the sovereign authority *de facto* of such new nation or party. If such recognition is made, it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party. These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded, not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. At all events, in the case of a revolution or dismemberment of a nation, the judiciary can not take notice of any new government or sovereignty until it has been duly recognized by some other department of the Government to whom the power is constitutionally confided.

SEC. 1567. That a power so extensive in its reach over our foreign relations could not be properly conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department, without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power), is not so obvious. Probably the circumstance that in all foreign governments the power was exclusively confided to the executive department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form.

Plainly indicating that it was the view of that distinguished jurist that the Constitution had vested this authority not temporarily, not during a recess of Congress, but permanently and exclusively in the executive department. He continues:

> It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And in our own short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an Executive of sober judgment, enlightened views, and firm and exalted patriotism.
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> SEC. 1568. As incidents to the power to receive ambassadors and foreign ministers, the President is understood to possess the power to refuse them, and to dismiss those who, having been received, become obnoxious to censure, or unfit to be allowed the privilege by their improper conduct, or by political events. While, however, they are permitted to remain as public functionaries, they are entitled to all the immunities and rights which the law of nations has provided at once for their dignity, their independence, and their inviolability.

In a note to Judge Story's work we find the following:

> NOTE 1.—It is surprising that The Federalist should have treated the power of receiving ambassadors and other public ministers as an Executive function of little intrinsic importance. Its language is, "This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance which will be without consequence in the administration of the Government. And it was far more convenient that it should be arranged in this manner than that there should be a necessity of convening the Legislature, or one of its branches, upon every arrival of a foreign minister, though it were merely to take the place of a departed predecessor."—*The Federalist*, No. 69, page 421.

It is perhaps fair, let me observe, to assume that the attack made upon this provision did not arrest great attention. The avowed purpose of The Federalist was to discuss only objections made by the opponents of the proposed plan, which seemed to be serious. The failure to regard this provision as of vital import was not astonishing because of the absence of circumstances which eventuated in later years. That the Federalist was not always conclusive, appears by reference to No. 77, where it is expressly stated that the President possesses the power to remove officers only by or with the advice and consent of the Senate — a misconception long indulged in. (See 5 Op. Atty. Gen. [Crittenden], 290, 291.)

Judge Story, in that portion of the commentaries to which I have alluded, says:

> If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of a nation or party.

It will be noted that the learned commentator does not adopt this opinion, but the authority to which he refers is Rawle on the Constitution, chapter 20, pages 195, 196. Mr. Rawle published his commentaries in 1825. Although his work was exceedingly valuable, yet some of his conclusions were found to be untenable, and the book has practically passed out of print. It is not easy to discover where Mr. Rawle found the authority for his statement, and his contention is successfully combated by Judge Story, not only in the comments which I have read, but in a decision by that great jurist to which I will in a moment allude. Judge Story's work was published in 1833, and afterwards, and while he was an associate justice of the Supreme Court of the United States, he rendered the decision in Williams *vs.* The Suffolk Insurance Company (3 Sumner, *272 et seq.*) He there said:

> The Government of Buenos Ayres insists that the Falkland Islands constitute a part of the dominions within its sovereignty, and, consequently, that it has the sole jurisdiction to regulate and prohibit the seal fishery at those islands, and to punish any violation of its laws by a confiscation of the vessels and property engaged therein. On the other hand, the American Government insists that the Falkland Islands do not constitute any part of the dominions within the sovereignty of Buenos Ayres; and that the seal fishery at those islands is a trade free and lawful to the citizens of the United States, and beyond the competency of the Buenos Ayres Government to regulate, prohibit, or punish. The controversy is still undisposed of by the two Governments, each maintaining its own claims and pretensions, and neither admitting the claims or pretensions of the other. In this state the diplomacy between the two countries, while the whole matter is in contestation between them, or, as we may say, *flagrante lite,* the question is whether it is competent for this court to re-examine and decide, in its judicial capacity, upon the claims and pretensions of the two Governments, and thus to interpose its positive umpirage to settle the matters in dispute, at least to the extent required for the proper adjudication of the cases now before it.

It will be noted the issue was clearly presented. The material, the vital, the relevant issue was whether the islands named belonged or did not belong within a certain jurisdiction, and therein was involved the other question as to whether a determination had been legally reached upon that subject. He continues:

> My judgment is that this court possesses no such authority, and that it is bound up by the doctrines and claims insisted on by its own government, and that it must take them to be rightful until the contrary is established by some formal and authorized action of that government.

Now, let us see how the "government" alluded to manifested its decision.

I wish to direct the attention of the Senate particularly to this judicial announcement:

> It is very clear, that it belongs exclusively to the executive department of our Government to recognize, from time to time, any new governments which "may arise in the political revolutions of the world; and until such new governments are so recognized, they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty."

Mr. President, here is a decision handed down in 1838, which clearly announces the doctrine for which the present Secretary of State, Mr. Olney, contends, and which has been lately condemned as revolutionary. Here it is announced from the bench by one of the ablest jurists who ever presided over a court, clearly and positively, that the power to recognize is not only vested in the Executive, but that such an investiture is exclusive.

The Supreme Court of the United States affirmed the judgment in Williams *vs.* The Suffolk Insurance Company (13 Peters, 420), using this language:

> And can there be any doubt that when the executive branch of the Government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to

> determine, whether the Executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and Government of the Union.
>
> If this were not the rule, cases might often arise in which, on the most important questions of foreign jurisdiction, there would be an irreconcilable difference between the executive and judicial departments. By one of these departments a foreign island or country might be considered as at peace with the United States, whilst the other would consider it in a state of war. No well-regulated Government has ever sanctioned a principle so unwise and so destructive of national character.

And yet, Mr. President, we have heard it asserted again and again that this doctrine of the Supreme Court of the United States — the declared judgment of the highest judicial tribunal known to our law, promulgated many years ago — is unprecedented. It has been even intimated that the Secretary of State who proclaimed it risked impeachment. Perhaps it may be a crime to declare the law. It is clear that the Supreme Court believed that the President in recognizing independence on his own responsibility did so " in the exercise of his constitutional functions."

I know that it was said by the distinguished Senator from Georgia [Mr. BACON] that those portions of these decisions which relate to Executive jurisdiction are *obiter dicta*. It may be that it was unnecessary to decide whether or not the Executive authority was exclusive; but it is plain that the jurisdiction of the Executive to effectively recognize independence was a material issue absolutely necessary to the decision of the case. These authorities are conclusive of the existence of Executive control if the Supreme Court has any jurisdiction to settle such questions. If the Executive, without Congress, can not recognize, then the basis of the court's decision drops out.

My object in citing this case is to disclose the views entertained by Judge Story and his associates. That jurist had considered the subject in his commentaries, as I have shown, and hence his attention had been specially directed to the matter, and he had also in mind Mr. Rawle's view already referred to, and upon which he had commented, and, taking the expressions contained in the commentaries and those found in the decision in 3 Sumner above mentioned, it is obvious that it was the carefully thought-out opinion of Judge Story that the authority to recognize was exclusively in the Executive.

I have had occasion to consider this topic to some extent when resolutions advising a recognition of belligerency were before the Senate, and I then referred to several adjudications, and I shall take the liberty of again citing some of them in brief.

In 2 Black, 670, I find the following:

> Whether the President, in fulfilling his duties as commander-in-chief in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this court must be governed by the decisions and acts of the political department of the Government, to which this power was intrusted. He must determine what degree of force the crisis demands.

It is plain that it was the opinion of the Supreme Court that the President was authorized and was the proper party to find the facts as to belligerency. It is true that the conflict involved was domestic, but the citation is nevertheless relevant. It will be noted that " political department" is used as synonymous with "executive department." Judge Story evidently thought that the word "government" was used as equivalent to "executive department" in Gelston *vs.* Hoyt (3 Wheat., 324), because that case is referred to by him in Williams *vs.* Suffolk Insurance Company as upholding the jurisdiction in the President to proclaim belligerency.

In Kennett *vs.* Chambers (14 How., 50, 51), Chief Justice Taney said:

> It is not necessary in the case before us to decide how far the judicial tribunals of the United States would enforce a contract like this, when two States, acknowledged to be independent, were at war and this country neutral. It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent State was a question for that department of our Government exclusively which is charged with our foreign relations, and until the period when that department recognized it as an independent State, the judicial tribunals of the country were bound to consider the old order of things as having continued and to regard Texas as a part of the Mexican territory.

In alluding to the constitutional power, or rather to the power of the President derived from the Constitution with reference to our foreign relations, I beg leave to quote from Chancellor Kent. Said that very able man:

> The President is the constitutional organ of communication with foreign powers.

It was evidently the view of that able jurist that the Presidential duty in this respect was not derived from any statute and did not depend upon the will of Congress.

Again he says:

> The power of receiving foreign ministers includes in it the power to dismiss them, since he (the President) alone is the organ of communication with them, the representative of the people—

Not the representative of Congress, but

> in all diplomatic negotiations, and accountable to the community not only for the execution of the law, but for competent qualifications and conduct of foreign agents.

It is to be noted that according to this statement the President is the representative of the people in all diplomatic negotiations, and he is said to be accountable to the community. There is no intimation that he is accountable to Congress in this regard. He derives the authority from a higher source, from the people. He rests upon the consent of the governed, as evidenced by the Constitution.

During the recent Chilean difficulty it was held by the district court of the United States for the southern district of California as follows:

> It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the political or executive department of the United States. This doctrine is firmly established. (U. S. *vs.* Trumbull, 49 Fed., 99, 104.)

And in the Itata case (56 Fed., 510) Judge Hawley, speaking for the circuit court of appeals, said:

> The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the

executive department of the United States at the time the alleged offenses were committed.

It thus appears that whenever our courts have been called on to solve an issue which depends upon the existence or non-existence of a nation they have turned uniformly to the Executive, and have accepted the determination of that department as conclusive and binding upon them. Can it be, Mr. President, that this jurisdiction thus affirmed by our judiciary and announced for years and years by all the departments of our Government rests *pro hac vice* only in the Executive, and that his authority is of such flimsy tenure that it is subject to Congress; that he is possessed of the power to recognize only when Congress does not see fit to withdraw it from him? Is there any scheme in the organic law for an appeal from Executive action in this matter? Either the power to recognize is vested in the Executive or it is not. If the right is conceded, then, in the absence of any constitutional limitation, it must, I assert, be exclusive. That he does not derive it from any act of Congress is obvious, for no one has pointed to an act of Congress presuming or pretending to give him any such right.

I have said, Mr. President, in line, as I take it, with the authorities on which I have been commenting and to which I have attempted to attract the attention of the Senate, that if it be conceded that the Executive has the power to recognize independence, then, unless there can be pointed out in the Constitution some limitation of that power, some appellate jurisdiction in Congress, some restriction upon it, something justifying the conclusion that in the absence of Presidential exercise of that authority it may be assumed by Congress, the conclusion inevitably follows that the Presidential prerogative is attached to that office only, and that the President either derives his authority from the Constitution or he does not possess it at all. It further appears evident that if the Executive may recognize independence, the debate is at an end as to the point now considered, and the position of the Secretary of State is justified.

Mr. Wharton, whose abilities as a lawyer and as an author and whose researches into matters pertaining to international affairs earned for him high reputation throughout the civilized world, compiled a digest on the international law of the United States, pursuant to authority given by Congress and under the Congressional eye, and this work comes nearer constituting an accepted American text-book upon this subject than any other treatise. In discussing this subject, he heads the section with reference to belligerency as follows: "Such recognition (*i. e.*), belligerency determinable by Executive," and he cites with apparent approval a statement of Secretary Seward in his letter to Mr. Dayton, wherein it is said:

> It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives. This is a practically and purely executive question, and the decision of it constitutionally belongs not to the House of Representatives, nor even to Congress, but to the President of the United States.

He was discussing at that time a proceeding in the House of Representatives touching the recognition of the alleged newly-formed Government of Mexico, pertaining to a protest made by the House of Representatives, wherein they affirmed their hostility to the encroach-ments of monarchic powers within the confines of a sister Republic. Mr. Seward thus asserted jurisdiction — exclusive jurisdiction — in the Executive, and in so doing he followed the line of precedents heretofore mentioned, and from which the State Department has deduced a uniform rule of conduct, and has regarded the claim of exclusive right in the Executive as based upon the correct interpretation of the Constitution.

While the Executive has rarely, as in the case of President Jackson in the Texas matter, sought the advice of Congress as to such issues, this advice has never been asked as signifying a doubt of the Executive claim, or an assertion that the jurisdiction rested elsewhere than in the Executive. The opinion of Congress has been solicited merely in an advisory way. Congress often seeks to advise without being requested so to do, and may, I presume, when solicited, contribute the notions of its members. The value of such advice is quite another thing. No legal force can be affirmed of it.

A question touching this topic was passed on by Chief Justice Marshall in United States *vs.* Hutchings (2 Wheeler Crim. Cases, 546). The opinion of that able jurist is thus given by the reporter:

> The court decided that the commissions shall go to the jury merely as papers found on board the vessel; but on the main question the court was of opinion that a nation became independent from its declaration of independence only as respects its own Government and the various departments thereof; that before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the Executive authority of those nations; that as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

It may be argued that here again the court's conclusion is *obiter dictum,* but it was material whether the country in question had been acknowledged to be independent, and the judgment of the Chief Justice that that acknowledgment should be by the Executive contains his opinion as to the character of recognition which must take place before the fact can be judicially assumed. The concurrence of opinion between Marshall, Story, and Taney, and other able jurists quoted, ought certainly be sufficient to relieve the Secretary of State from the charge of advancing a new and absurd claim — an accusation, it may be noted, which has been flippantly urged by some of the most widely circulated newspapers in the country and by persons in official position who ought to know better. It sometimes happens that an unfriendly feeling toward an individual or an officer begets ill-advised comment.

In The Ambrose Light (25 Fed., 443), Judge Brown says:

> The additional facts proved show, however, such a subsequent implied recognition by our Government of the insurgent forces as a government *de facto* in a state of war with Colombia and entitled to belligerent rights as should prevent the condemnation of the vessel as prize. A communication from the Department of State to the Colombian minister, bearing date the day of the seizure, seems to me to constitute such a recognition by necessary implication.

Here, therefore, the court not only conceded the right of the President to recognize belligerency, but even held that such recognition was accomplished unintentionally by an executive communication. The action of the Executive, so taken and not designed to recognize belligerency, nevertheless fixed the legal status of this vessel, and justified a judgment against the Government and relieved the vessel from condemnation as prize.

The point determined was obviously material. I am aware that it has been said here, I believe without too much consideration, that we are not bound by the decisions of the courts. In one sense this may be true. As far as voting is concerned, we are scarcely bound by anything. When our names are called, we may vote as we please. But if we can not accept the construction placed upon the organic law for many, many years, for three or four generations, by our ablest judges, we are certainly inconsistent with the attitude which some of us assume in criticising the Supreme Court because it has lately changed its opinion as to certain propositions.

Mr. Blaine, May 9, 1881, in a letter to Minister Christiancy, said:

> If the Calderon Government is supported by the character and intelligence of Peru, and is really endeavoring to restore constitutional government, with a view both to order within and negotiation with Chile for peace, you may recognize it as the existing provisional government and render what aid you can by advice and good offices to that end. Mr. Elmore has been received by me as the confidential agent of such provisional government.

As has already been remarked, it is well settled in diplomacy that the reception of a minister or agent vested with diplomatic functions is a recognition of the existence of the government which has sent the envoy here. Mr. Blaine did not consider it necessary to consult Congress upon this subject. He acted upon the theory that Congress had no authority in the premises.

President Arthur, in his third annual message (1883), in speaking of the difficulties between Chile and Peru, and especially with reference to the uncertain nature of the government of the last-named country, said:

> Meanwhile the provisional government of General Iglesias has applied for recognition to the principal powers of America and Europe. If the will of the Peruvian people would be manifested, I shall not hesitate to recognize the government approved by them.

In the message thus sent by President Arthur to the Congress of the United States, and regarding which no unfavorable comment has ever been made here or elsewhere, he wrote, "I shall not hesitate to recognize," etc. President Arthur used the personal pronoun, and seemed to have no doubt of his right to completely recognize independence when, in his official judgment, the occasion might arise.

Can there be such a thing as incomplete recognition of the independence of a government resulting from the declaration of the President seeking to directly recognize it? If the President of the United States today receives a minister from the alleged Republic of Cuba, would there be any doubt that that formal reception of the minister would be conclusive of the fact that the new government had been recognized as an independent state?

When Dom Pedro relinquished his claim to the Brazilian throne, President Harrison acted promptly, and in his message to Congress (Foreign Relations 1890, page 4) he says:

> Toward the end of the last year the only independent monarchical government on the Western Continent, that of Brazil, ceased to exist, and was succeeded by a republic. Diplomatic relations were at once established with the new government, but it was not completely recognized —

Mark the phrase —

> until an opportunity had been afforded to ascertain that it had popular approval and support. When the course of events had yielded assurance of this fact, no time was lost in extending to the new government a full and cordial welcome into the family of American commonwealths.

Mark the phrases "completely recognized," "full * * * welcome into the family of American commonwealths." Is a "complete" or "full" recognition subject to Congressional reversal? Here, therefore, is another Presidential communication to Congress, directly stating that the Executive not only recognized the Brazilian Government, but that he has left nothing to be done to complete the acknowledgment. No one has challenged the efficacy of that recognition, and I again ask, Will anyone say that Congress might have risen in its constitutional might and, by the passage of a resolution, made void that which the President made complete?

On December 9, 1891, President Harrison, in a message to Congress, stated that which I shall read. These communications were not confidential; they were notoriously made. The country knew all about them. They were printed as Congressional documents, and placed upon the desks of Senators and Representatives, and constitute a portion of the history of this Union. President Harrison said:

> The civil war in Chile, which began in January last, was continued, but fortunately with infrequent and not important armed collisions, until August 28, when the Congressional forces landed near Valparaiso and, after a bloody engagement, captured that city. President Balmaceda at once recognized that his cause was lost, and a provisional government was speedily established by the victorious party. Our minister was promptly directed to recognize and put himself in communication with this government so soon as it should have established its *de facto* character, which was done.

Hence the President, without consulting Congress, without asking for the approval of Congress, without seeking the ratification of his act, without submitting to any further scrutiny than every communication upon the state of the Union must have in this and the other body, sent instructions to Chile, to the American minister, directing him, in virtue of the Executive authority, to recognize the changed condition.

He also recognized the new Government of the Hawaiian Islands under circumstances which were, to say the least, novel. His ability to do this was never doubted, though the wisdom of its exercise was questioned.

The references which I have thus made evince the uniform and unchallenged assertion of Executive jurisdiction, and whatever may be the true construction of the Constitution, the power asserted was complete, absolute, and effective. No action of Congress was needed to ratify or approve. If there is any Congressional power to repudiate such recognition, it can be found nowhere in the Constitution, but is based upon the notion that Congress has powers not granted, and has the right to draw to itself all functions not accorded to or exercised by the other Departments, a contention absolutely in conflict with that organic provision which reserves to the people the powers not granted.

The exclusive right of the Executive has been maintained in almost every instance, the exceptions being where the Executive thought it well to consult Congress, as did President Jackson in the Texas case. But even there he did not relinquish or doubt his authority.

Mr. President, we are apt to confuse the true interpretation of our duty with the result toward which our inclinations point. When we seek to reach a desirable end, or when we find an independent officer exercising his authority in a manner differing from our ideas of propriety, we are too apt to seek to extend the limits of our domain and to interfere with subjects intrusted by law to other hands. Hence it is that legislators differing from the Executive endeavor to defend their criticisms by assuming an unwarranted jurisdiction.

The exclusive right of the Executive has been maintained, as I have said, in almost every instance. President Jackson did not recognize the jurisdiction of Congress to do anything more than to advise. He was willing to act upon such advice, not because it was necessary for him to do so, but because in the discharge of his Executive power he thought it better to do so. Nor is there anything in the resolution which was passed by Congress at that time assuming any greater authority or power than the giving of advice. There are expressions to be found, notably in remarks by Mr. Clay, not altogether consistent, I may say, upon this subject, indicating to some extent that he believed Congress had authority in the premises. We have had such claims of power here, but we have no case where Congress has ousted Executive jurisdiction, or where the proclamation of the Executive upon this subject has ever been repudiated. It seems to me a most peculiar view to assert that there is jurisdiction here not only to upset that which has been done, but to perform acts which it is thought ought to have been performed, but which the Executive has declined to do, and which the Constitution provides, if done at all, shall be done by the President.

In the memorandum upon the power to recognize the independence of a new foreign state (Senate Document No. 56, Fifty-fourth Congress, second session) a large number of authorities are collated which it is unnecessary to review here. The references to the debates concerning the South American revolutions are quite interesting as demonstrating that at that very early date it was generally conceded that the jurisdiction was with the Executive.

Volume 4, page 71, Memoirs, John Quincy Adams, we find that that statesman has made the following entry with reference to a conversation with Mr. Monroe:

> The President told me that last evening a member of the Senate came to him and asked him if at the Cabinet meetings before the commencement of the session of Congress the determination was taken not to acknowledge the Government of Buenos Ayres, professedly to the end that Congress might take the lead in this measure. And this was inquired obviously with a view to justify the present conduct of Mr. Clay. The President answered that at that time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres, and, if so, whether it was expedient; that it had been concluded the Executive was competent; but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress. Mr. Monroe added, if Mr. Clay had taken the ground that the Executive had gone as far as he could go with propriety toward the acknowledgment of the South Americans, that he was well disposed to go further, if such were the feeling of the nation and of Congress, and had made his motion with that view, to ascertain the real sentiments of Congress, it might have been in perfect harmony with the Executive. But between that and the angry, acrimonious course pursued by Mr. Clay there was a wide difference.

This plainly shows that Mr. Monroe himself believed that the power to recognize is in the President, but he was not averse to consulting those whose right to nullify his acts he denied. But he made no intimation that there was any question as to the exclusiveness of Presidential jurisdiction.

He spoke also, as shown by these quoted remarks, of public opinion. He was naturally anxious to discover the sentiments of the people, though he did not design sacrificing his constitutional power or abdicating any of his constitutional privileges, whatever might be the opinion either of Congress or of the people. He recognized unquestionably that as the servant of the people it was his duty to maintain the laws which had been provided for his guidance, and which he must follow until the people in their sovereign capacity established a different system.

On page 204 of the same memoirs we find the following:

> My draft of a dispatch to R. Rush was read. They were all startled at the paragraph announcing is as the President's intention at no remote period to recognize the Government of Buenos Ayres.

The whole conversation, everything that was said — and the remarks are set forth at some length in his memoirs — goes to show that the people, that the Congress, all interested, were anticipating the decision of the Executive upon the matter then pending. That Mr. Monroe asserted the jurisdiction in himself, and that he intended to see that it remained where the Constitution had placed it, no one can deny.

The following significant expressions appear in the same diary, on page 205:

> Mr. Crawford now said that if the acknowledgment was to take place, he should prefer making it in another form, not by granting an "exequatur" to a consul, but by sending a minister there; because the Senate must then act upon the nomination, which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that as those bodies had the power of impeachment over us, it would be quite convenient to have them thus pledged beforehand.
>
> I said my impressions were altogether different. I would make the acknowledgment as simple and unostentatious as possible, with as little change in the actual state of things as could be. I thought it not consistent with our national dignity to be the first in sending a minister to a new power. It had not been done by any European power to ourselves. If an exchange of ministers was to take place, the first should come from them. As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genét. Mr. Madison had exercised it by declining for several years to receive, and by finally receiving, Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution, and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive right and duty to perform.
>
> Crawford said he did not think there was anything in the objection to sending a minister on the score of national dignity, and that there was a difference between the recognition of a change of government in a nation already acknowledged as sovereign and the recognition of a new nation itself. He did not, however, deny, but admitted, that the recognition was strictly within the powers of the Executive alone, and I did not press the discussion further.

Therefore not only did the Secretary of State in that discussion, and not only did other members of the Cabinet concede and hold the existence of this exclusive power in the President, but the President himself, while believing it to be wise to obtain the approval of Congress, so believed only because of the Congressional power to appropriate and for the reason that he wished that matters should proceed without friction. No intimation is contained at any place in this discussion or in the detailed report of what occurred at that time to warrant any doubt that Mr. Monroe himself held the same views now entertained by Mr. Cleveland and Mr. Olney.

Mr. HOAR. Will the Senator from California allow me?

Mr. WHITE. I yield to the Senator from Massachusetts.

Mr. HOAR. I should like to ask the Senator from California if he does not agree that a declaration of war against a foreign district or country is a recognition of it as a sovereign power?

Mr. WHITE. Such a declaration is undoubtedly an assumption of the existence of a power against which war could be declared. This is certainly true.

Mr. HOAR. Suppose, for instance, Cuba had practically maintained her independence of Spain, Spain being utterly unable to help herself, and Cuba had committed hostile acts upon our commerce, is not the power in Congress to declare war with Cuba, as the power is in Congress to regulate commerce with Cuba under such circumstances, with all the incidents that follow?

Mr. WHITE. Congress may declare war against a nation or it can regulate commerce with a nation. An act of Congress declaring war does not by its terms create independence or declare that status. The declaration assumes the status, however.

Mr. HOAR. So we could not have a treaty of peace?

Mr. WHITE. Well, we could have a treaty; I concede that. A treaty is initiated by the Executive, and the Senate advises and consents.

Mr. HOAR. The Senator will pardon me a moment. I do not want to interfere with his argument. I put this question in support of the conclusion to which I had myself arrived, which is, I think, the one which was in the thought of President Jackson, and perhaps would reconcile every expression which is to be found in our history.

It is very clear that this is an incident, however great or important it is. The power in the Executive is clearly incident to the power not merely to send ambassadors, but to invite the sending of ambassadors from abroad, as the Senator has so well shown, and I agree with the Senator that it is a power which necessarily must continue all the year round, and may be exercised on an hour's notice sometimes, and it can not be exercised by Congress for that reason. But it seems to me, with great respect, that while it is incident to the treaty-making power of which the President is a part, as the Senator said, it is also an incident of certain constitutional powers of Congress. Yet these powers never will be brought into conflict, although they may reside to a limited extent in both. But the question we are dealing with is not whether Congress may have it as incident to the power to regulate commerce, not whether Congress may have it as incident to the power to declare war, not whether Congress may have it as incident to its power of legislation over the conduct of American citizens, not as an incident or consequence; our question now is, Does it rest in Congress primarily and originally before any of these other constitutional things are done?

Now, I agree with the Senator that the very necessity of the case makes it an executive power, and an executive power alone, where nothing is to be done but recognition. So this is a very grave matter that we should not concede unless the Constitution requires it, that the power of recognizing a foreign country may sometimes be a necessary incident to some constitutional legislative power of Congress; and I hope that nothing will occur in this discussion on either side which will amount to a limitation or abridgment of that power. The Senator will pardon me for the interruption.

Mr. WHITE. It is true that the question to which I am immediately addressing myself is the attempt absolutely and directly by a joint resolution to recognize the independence of another government.

Mr. HOAR. As incident to nothing?

Mr. WHITE. Yes, sir; predicated upon nothing incidentally. The resolution directly deals with the subject. It is confined to that specific topic alone. I am not here to enter into a discussion as to the effect of indirect legislation which Congress may perhaps at some time see fit to enact in conflict with Executive view. It is always dangerous to seek the discussion of irrelevant subjects, or to attempt the adoption of rules to govern cases not yet presented.

As far as a declaration of war or a treaty of commerce is concerned, both presuppose the existence of nationality upon which the declaration or legislation may be operative, but whether in the exercise of our constitutional power of passing a bill regulating commerce, concurred in by the Executive, a peculiar collateral consequence may result, I do not propose at this hour to elaborately consider. Such a course would be foreign to the purpose I have at hand. I am endeavoring to show that, as far as the attempt to directly recognize a revolutionary organization goes, it is not within our sphere. Whether indirect action of Congress might result in the assumption of another national existence, it is not certain that such assumption could absolutely create a nation. But this is speculative. I do not believe that any such conflict of authority or peculiar combination of circumstances will ever be manifested. I could add, that we might readily hold commercial relations with communities not constituting a nation. This Government has continued moving in the present channel for many years without, I think, any substantial deviation in practice from the course to which I have alluded.

I do not feel prepared to change our procedure now. The citations which I made from Mr. Adams's account of Mr. Monroe's statement are interesting, and are certainly sufficient to acquit the Executive or the Secretary of State from the charge of asserting anything new. The specific proposition contended for by the present Administration is that in the case of Cuba Congress has not the power directly to declare independence, or even belligerency. I have stated that I believe that contention to be well founded, and I have sought to fortify my opinion by referring to precedent and to principle.

Mr. President, it is clear that the Constitution does not make it the duty of Congress, nor does it give to either House, the authority to receive ambassadors or ministers. This function is conferred upon the President only. It has been suggested that this delegation of authority amounts to nothing more than the enjoining of a duty to extend proper courtesies to diplomatic officers coming from abroad. With due respect, it appears to me that this argument has nothing in reason to sustain it. Can we afford to urge that as important an instrument as the Constitution, upon which our governmental framework absolutely rests, is devoted to any extent or at all to a mere matter of etiquette? The duty which the President must perform under the organic law with relation to ambassadors and ministers is not merely to grasp their hands or to otherwise salute them in the most approved method of the day; nor is it exhausted or even exercised by giving invitations to receptions or dinners. It means more than this. As the Executive is granted the power to receive, so he is accorded the right to determine to whom such reception should be vouchsafed. He receives officially if he believes that the party presenting himself is not only individually the sort of a man who ought to be received, but he also is bound to determine whether he in fact represents a foreign power.

Necessarily this authority to determine is involved in the discharge of the duty to receive. When a person offering himself at the Executive Mansion claims that he is entitled to be received as a minister, the President, from the very nature of the case, is compelled to decide whether his pretensions are well founded, and in doing this he is bound to find on the issue as to whether the applicant represents a foreign power. Thus the alleged minister of the Cuban Republic seeks to meet the Executive; Mr. Cleveland refuses to receive him, because he declares that the minister does not represent a foreign power. Congress can not dictate to the President as to who he shall receive, for the simple reason that the duty to receive being constitutionally delegated to him, he must determine for himself whether a case has arisen calling for the exercise of that power. It is the duty of Congress to pass laws to govern the country, but it is within its sole discretion to enact or not to enact. If we refuse to appropriate a dollar for public purposes we might be and would be derelict, but no court could *mandamus* us, because Congress judges for itself as to whether a case has arisen calling for the exercise of its functions.

The President may act badly; indeed, his conduct may justify impeachment. So Congress may behave in an outrageous manner, and the people may be without any further remedy than that which is expressed at the polls. No scheme of government ever devised can insure ability and honesty upon the part of those intrusted with power, and there is no individual or officer to whom authority has been delegated who may not violate his obligations and work evil. But the accomplishment of such regrettable results is no argument against jurisdiction. It must be remembered that the existence of jurisdiction may well mean the power to do not only that which is right, but also that which is wrong.

Where is there a word in the organic law indicating preference for Congressional jurisdiction? The legislative limitations therein prescribed were suggested by ages of experience. Danger lurks in excited multitudes and appears in the consequences of uprisings and insurrections as well as in the remorseless mandates of kingly power. The fathers sought to guard against extremes. The delegation of authority to the Executive was designed to confer exclusive jurisdiction to the extent indicated. Concurrent jurisdiction in such a matter as this would be confusing and lead to perilous disputation. The power thus accorded is not and never will be subject to appeal. Congress must pass a bill over the Presidential veto, because the Constitution so declares; but Congress can not, by bill, modify or abrogate the Executive authority with reference to foreign relations, and especially with regard to receiving ambassadors and ministers. So also of the legislative and executive jurisdictions. Were it otherwise, the whole scheme would be a failure. If the legislative department is preferred, this means that the executive and judicial departments exist only in subordination to Congress, whose edicts are in fact supreme. This position is not only violative of the words of the Constitution, but in conflict with the often expressed intentions of the fathers. It has no support in our history. It is revolutionary, and destructive of that independence without which the Presidential office can never be properly exercised.

SOME OF THE DIFFICULTIES OF THE CONTRARY POSITION.

It is intimated that the President has the power to recognize, but it is said that this is only a conditional grant. It is limited in some mode. It exists now, and it may not exist tomorrow. This position I repudiate, for I find no direct grant to Congress justifying such a conclusion; nor does it appear to me that such authority is granted anywhere by implication, or is the necessary attendant of any authority specifically delegated. If the President recognizes the belligerency or independence of the Cuban Republic, can Congress repudiate such recognition? I take it that this is not possible. If the Presidential recognition of belligerency is valid in any case, in what case is it invalid? And if the President has authority to absolutely recognize independence in any case, is not that authority the result of discretion conferred upon him by the Constitution? And such discretion involves the ability to refuse as well as to grant, and if it is not competent for Congress to nullify Presidential recognition of belligerency or independence, can Congress render nugatory the decision of the President denying such recognition? I think that I have already shown that the framers of the Constitution were not engaged in the business of guarding Congress against the President, but that they felt the necessity of so organizing the Houses that they could not subordinate Presidential jurisdiction within allotted lines save in one mode, to wit, impeachment.

The plenary authority exercised by the President in foreign affairs is exemplified to some extent not only in receiving ministers, but even in providing for the exercise by foreign consuls of authority within the United States.

When the British consul at Charleston, at the beginning of the late Civil War, acted in a manner contrary to the wishes of Mr. Lincoln and his Cabinet, the exequatur was revoked and Mr. Bunch's powers terminated. No consultation was had with Congress upon this subject. It is discretionary with the President to refuse an exequatur, although, as Mr. Blaine declared in his letter to Mr. Morgan, May 31, 1881 (1 Whar. Int. Law, page 765), the exercise of that undoubted right is an extreme one, rarely resorted to here.

Instances of the dismissal of ministers are numerous. We remember very clearly the action of Mr. Cleveland in demanding the recall of Minister West, owing to his correspondence with an alleged British subject called, for the time being, Murchison. No power was conferred by Congress upon the President, but he, having the right to control the matter, exercised his prerogative at his discretion.

In Schuyler's American Diplomacy, page 136, I find the following:

> It may be mentioned here that our Government has never been slow to use its right in asking for the recall of, or of sending away, a foreign minister who becomes obnoxious. The recall of Mr. Genét, the French minister, was asked in 1793; that of Mr. Jackson, the British minister, in 1809; that of Mr. Poussin, the French minister, in 1849; Mr. Crampton, the British minister, was given his passports in 1856; and intercourse ceased with Mr. Catacazy, the Russian minister, in 1871.

In all those cases the act was the act of the Executive; it was the result of Executive discretion; there was no participancy by the legislative department, and none claimed.

If Congress possesses the power to settle the question of belligerency or independence, it is clear that all sources of material information ought to be open to investigation and examination.

I beg leave to refer to remarks made by me on a former occasion touching this question:

> There is another ground which appears to me very strong in support of the contention that the recognition power is lodged in the Executive. There is before the Senate a document which was read by the Senator from Alabama, and which I deem quite important. I refer to House Document 224 of the present session. I read a few lines for purposes of illustration:
>
> "[No. 2699.] CONSULATE-GENERAL OF THE UNITED STATES,
> *Habana, January 7, 1896.*
>
> "SIR: With reference to the proclamation of the Captain-General of the 2nd instant declaring a state of war to exist in the provinces of Habana and Pinar del Rio, copy and translation of which accompanied my dispatch No. 2695 of the 4th instant"—
>
> At this point I find a note stating that the proclamation mentioned is not printed. From this I conclude that the omitted paper has not been revealed to Congress. No one appears to controvert this supposition. When the House adopted the resolution calling for this correspondence it did so in the following phraseology:
>
> "*Resolved*, That the Secretary of State be directed to communicate to the House of Representatives, if not inconsistent with the public interests, copies of all correspondence relating to affairs in Cuba since February last."
>
> The House passed the usual resolution in the regular form which custom authorizes. Manifestly information has been withheld—no doubt properly. Time out of mind, if I may use that expression with reference to this very modern Government, it has been the custom to withhold information, the disclosure of which the Executive deems incompatible with public interest. The document thus legitimately withheld may contain essential and controlling facts upon this subject. That it is important would seem to follow to some extent from the very circumstance that it is retained. Has the Executive the right to thus deny information? Our Chief Magistrates have always done so, pursuant to unchallenged custom and in compliance with recognized usage evidenced by many hundred resolutions calling upon the Executive for diplomatic information. The President is not directed; he is merely requested, and always with the qualification which I have noted. The Executive right to withhold delicate diplomatic correspondence is incidental to the Presidential office. Can it be that the Constitution has placed upon Congress the burden of deciding and the duty to determine issues concerning belligerent or other relations to foreign powers and has not at the same time compelled the President to give us everything within his knowledge? Can it be that we are to pass upon a part of the case and not upon the whole? Can it be that under the law we are deprived of material evidence and yet are expected to render final and determinative judgment upon an imperfect record—a fraction of the aggregate proof?

> I say not. The President has before him all information. He reviews a complete history. Plainly, he is in a better condition to judge of the true state of affairs than are we. He has the means to secure all relevant information.
>
> Having in charge the diplomatic relations of the Government, he is, or should be, better advised than the Senate or the House of Representatives, or both.

It was early settled that the Executive could not be compelled to surrender up to both Houses of Congress information which that officer deemed to be of such a character as to render it inadvisable to make a disclosure.

When President Washington sent in the proposed treaty with Great Britain, a question arose as to whether the President had any right to negotiate a treaty of commerce (2 Marshall's Washington, page 377). Mr. Livingstone offered a resolution in the House requesting the President to furnish a copy of the instructions to the minister of the United States who negotiated the treaty with Great Britain. Mr. Madison proposed to amend so as except such papers as, in the judgment of the President, it might be inconsistent with the interests of the United States at this time to disclose (*Id.*, page 378). This proposition was rejected, and the resolution offered by Mr. Livingstone was passed by a vote of 62 to 37. Afterwards the President communicated to the House his refusal, and in concluding it he said:

> As it is essential to the due administration of the Government that the boundaries fixed by the Constitution between the different departments should be preserved, a just regard to the Constitution and to the duty of my office under all the circumstances of this case forbid a compliance with your request. (*Id.*, 381.)

I can not find that the power of the President to retain information, the disclosure of which he deems incompatible with the public interest, has ever been doubted, and the uniform practice of Congress admits this power. We do not direct the President nor do we seek to compel him to make disclosures against his own judgment. On the contrary, the Presidential discretion is in terms conceded in every resolution seeking information from the State Department which Congress sees fit to pass.

The question of the recognition of belligerency or independence should be determined upon a full view of the entire situation. Every fact bearing upon it ought to be before that department charged with the responsibility of acting. It is manifest that the most important documents, the most direct and convincing circumstances, may be contained in official communications containing matter which ought not to be made public. Indeed, it is safe to say that the most important information is doubtless encountered in such documents. The very gravity of the disclosures therein contained makes it inadvisable to surrender them. So that we who claim the right to pass upon this issue must concede that all avenues of information are not open to us — many are open to us, no doubt, but all are not open to us — and that the most material part of the case is withheld in harmony with the Constitution, which, it is claimed, gives us the power to overrule the Executive, notwithstanding his superior facilities for knowing the facts, and his power to withhold information officially received by him, and which appears to him (perhaps correctly) properly determinative of the entire matter. If it be true that the Constitution has made it our duty to pass upon the diplomatic questions involved and has given to the President means of obtaining information not granted to any other department, and has likewise left the disclosure of such knowledge wholly discretionary with him, the system is radically defective. It is not likely that the President requires more data than the Senate or the Congress, and to require us to act without all the evidence is to compel a judgment in the absence of the most material evidence.

I have already referred to the opinion of Mr. Monroe on this subject regarding Executive power. I wish to attract attention to the circumstance that Mr. Monroe deemed it advisable to send commissioners to the South American states for the purpose of enabling him to determine whether he should recognize the independence of the new governments. These commissioners he, as Chief Executive, sent to the South American republics that he might obtain information to justify him in reaching a conclusion as to whether he ought to accord a declaration of independence or not. In many instances subsequent Administrations found it desirable to send emissaries abroad for the purpose of determining similar issues without consulting Congress.

Agents or messengers have been sent not as diplomats or ministers, and therefore without consultation with the Senate, the branch of Congress solely authorized to confirm envoys and plenipotentiaries; but these appointments have been justified, not only in many of the cases cited but in many others, because of the fact that they were the mere agents of the Executive, his messengers sent abroad to bring him word as to affairs concerning which he needed information in order to duly execute a constitutional power, to wit, the recognition of a new government.

The case of Mr. Trist, who was sent as a confidential agent to Mexico (and the object and purpose of his mission appears, 2 Wharton on International Law, section 154), is an exemplification of the authority of the President in this regard. The appointment of Archbishop Hughes and Bishop McIllraine, Mr. Everett, Mr. Winthrop, and Mr. J. B. Kennedy as confidential agents with reference to matters connected with the recognition of belligerency during our domestic strife contributes an interesting chapter to the exercise of authority by the President without consulting the Senate and all within the recognized diplomatic limits.

The case often referred to here — so frequently that it is not necessary for me to discuss it — of Mr. Mann and the Hungarian controversy is in point. Mr. Webster's elaborate presentation of the subject and the treatment it received at the hands of Mr. Everett are all in the same line. I will not go over them, for they have been dwelt upon often and are familiar to the Senate and to the country.

When we speak of the advisability of reposing power in one department of the Government in preference to another, our argument is only of value in so far as it tends to illustrate the motives and objects and ends sought to be accomplished by the framers of the Constitution, and in an ambiguous case, if it is found that the lodgment of power in one particular department would be manifestly inadvisable, and if the language is obscure or the construction in doubt, perhaps we may be aided to some extent when we consider it on principle and in the light of the practical interpretation of experience.

THE NECESSITY OF SECRECY IN DIPLOMATIC AFFAIRS.

It is notorious that it is practically impossible to preserve secrecy as to matters occurring in the Senate. It frequently happens that debates taking place in supposed executive session are publicly reported; and while it is usually true that the reports made and the deductions drawn are not altogether correct, and there are many omissions of vital and essential features, yet it is also a well-known fact then whenever a sensational proposition or anything calculated to excite public curiosity or interest is announced in executive session it finds its way to the public. The delicacy of foreign negotiations, the ease with which controversies nearly settled may be impeded by ill-advised expressions or premature disclosure, is too plain to need comment.

Nor is this all. We know that the Senate is not now and never has been and never can be as reliable a place for the carrying on of those negotiations which are frequently necessary in the management of international disputes, and the same may be said with more emphasis with reference to Congress. Thus, within a year perhaps, we have heard remarks made with reference to foreign governments with which we were at peace. We have heard a friendly nation called "a toothless wolf," "a Gila monster," "a nation whose symbol of power is a monkey and an organ grinder," and kindred phrases in a body several of whose members now claim almost exclusive diplomatic authority. Our ability to excite a foreign government, our ability to involve the Government of the United States in difficulty, certainly will not be seriously challenged. We are not as successful in procuring the spreading of the wings of peace over the earth. Mr. Sanguily may well doubt the propriety of our interference with his case, which is now being energetically pressed by our State Department.

While intemperate remarks are delivered here, persons in whom we have an interest are being tried and sentenced for violations of municipal law, and our State Department is endeavoring to extricate, by diplomacy, many in whom we are concerned who have, by reason of their desire to liberate another people, placed themselves within the reach of the criminal processes of a friendly power. It is believed that utterances made upon this floor, which could not have any effect for good, have made it more difficult for the Executive to procure liberation of individuals in Cuba who have been in the greatest peril.

The Constitution conferred upon the Senate and the House jurisdiction as to treaties, and also in the matter of certain appointments, and that it was the part of wisdom so to do is, I believe, obvious. Whether we consider a treaty as a contract, in accordance with the views of Mr. Frelinghuysen and others, or whether we regard it as in the nature of legislation (and the Constitution declares a treaty to be the supreme law of the land), it is proper for the lawmaking power to be consulted as to subjects which not only affect foreign relations but often directly interfere with the acts of Congress and the exercise of municipal powers by the several States. In the making of a contract the ability and character of the Senate has always been of great assistance, and I doubt whether there has ever been a topic of international concern submitted in the form of a treaty where much light and many wise suggestions have not emanated from this body. Legislation can not be conducted by the Executive alone, and upon the same principle it may be said that no treaty ought to be made without the co-operation of the Senate, and the framers of the Constitution, in making it impossible to perfect such an instrument in the absence of two-thirds ratification here, undoubtedly considered that such a strong indorsement would atone for the absence of the other branch of Congress. Were the concurrence of the House necessary, there would be much friction, many misunderstandings, and numerous contentions with nations with whom we have been previously on terms of amity. But the justification of the policy to be met with in the matter of ratifying treaties is found in the fact that we there deal not only with foreign governments regarding purely international matters, but with propositions affecting legislation, and which must, as I have already remarked, have more or less effect upon the domestic concerns of the several States.

The difficulties unavoidable in treating diplomatic questions in the Senate must be evident to all. Not only are imprudent remarks indulged in because of impulses natural to momentary excitement, induced occasionally by ill-founded newspaper utterances, mistaken reports — the result of journalistic enterprise and competition — but Senators are in the habit of giving their opinions through resolutions of various kinds, often accompanied by speeches exceedingly demonstrative and very seldom involving the actual opinion of a majority of the Chamber or even of a committee.

Such resolutions, after being discussed at the time of their presentation, are sent to committee and are perhaps never reported back, or if reported are in a modified form; and when the matter is investigated it is perhaps discovered that the circumstances are not such as to warrant the belligerent remarks which had been made at the time of introduction.

When Mr. Cleveland sent in his Venezuelan message there was considerable excitement. Senators for the first time during my brief incumbency here expressed their appreciation by applause upon the floor. A bill was speedily passed placing the necessary funds in the hands of the Executive to enable him to proceed with the work outlined in the message. Resolutions of varied form were introduced, and finally the Committee on Foreign Relations, through the distinguished Senator from Minnesota [Mr. DAVIS] who sits near me, presented a concurrent resolution of considerable length, purporting to define the Monroe doctrine and to extend its application much beyond the lines laid down by Mr. Cleveland.

Afterwards the same distinguished Senator delivered an address in support of his report. He took very advanced ground. The resolution is still upon our Calendar, and no vote will ever be had upon it. I intend to refer to several other reports of the Committee on Foreign Relations preceding the remarkable Sanguily resolution now before us, and shall endeavor to show that the Secretary of State has done his duty under the law ably and effectively. But I will now yield to the chairman of the Committee on Appropriations [Mr. ALLISON], and if the appropriation bills are again displaced I will continue my argument. At all events, I will not, under prevailing circumstances, proceed further at this late hour.

* * * * * * * *

Friday, February 26, 1897.

JULIO SANGUILY.

It having been ascertained that Julio Sanguily had been pardoned prior to the consideration of the resolution on that subject referred to in the foregoing remarks, the following proceedings were had in the Senate:

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. R. 207) demanding the release of Julio Sanguily, an American citizen imprisoned in Cuba.

Mr. PETTIGREW. I ask that the unfinished business be laid aside, and that we proceed with the consideration of the Indian appropriation bill.

Mr. BERRY. Temporarily, without prejudice.

Mr. PETTIGREW. Temporarily, without prejudice, if it is desired.

Mr. MORGAN. It was the understanding, by unanimous consent yesterday, that the joint resolution was to come up at 1 o'clock today.

Mr. PETTIGREW. Then I move that it be laid aside.

Mr. MORGAN. The Senator can not do that without violating the unanimous-consent agreement.

Mr. WHITE. I am entitled to the floor on the joint resolution, I believe.

Mr. PETTIGREW. I am not aware of any such unanimous-consent agreement. I should like to have it read.

Mr. WHITE. I do not object to the request of the Senator from South Dakota.

Mr. PETTIGREW. I do not intend to violate a consent agreement.

Mr. LINDSAY. There was no consent agreement about it that I understand.

Mr. BERRY. Is the joint resolution to be temporarily laid aside? The Senator from California who has the floor has no objection to that until we can get through with the bill that is now before the Senate. I appeal to the Senator from Alabama not to urge the joint resolution at this time.

Mr. FRYE. I hope the Senator from Alabama will consent to allow the joint resolution to go to the Calendar. The telegraphic communications received to-day, undoubtedly reliable, show that Sanguily, by advice of his attorney, has, under duress of a two-years' imprisonment, consented to the judgment and the sentence by withdrawing the appeal; that the Queen Regent has signed the pardon, and that Sanguily is free.

Now, while I regard that as unfortunate in many respects, it seems to me it leaves the joint resolution without any necessity of further consideration. I do not believe, and never did, in wasting powder simply for the purpose of making a noise.

I shall vote, under these circumstances, to proceed with the appropriation bill. I do not believe anyone doubts my friendliness to Cuba. Every pulsation of my heart is with the patriots who are fighting for liberty, and I have an utter detestation of the brutalities of Spain;

but I do not believe there is any further necessity of considering the joint resolution. I hope it will be permitted to go to the Calendar.

Mr. MORGAN. I am acting here—

Mr. CALL. I ask the Senator from Alabama to allow me to say—

Mr. MORGAN. Who has the floor?

The PRESIDING OFFICER. The Senator from California [Mr. WHITE] has the floor. Does he yield to the Senator from Alabama?

Mr. PETTIGREW. I move to take up the Indian appropriation bill.

Mr. WHITE. I am entitled to the floor; but I have stated that I have no objection to yielding the floor; but I should like to say a word. However, I will yield temporarily to the Senator from Alabama. I do not wish to incommode the Senator in charge of the appropriation bill, and will not do it; but, having the floor, I think I am entitled to the courtesy of a request before I yield it. I may be mistaken.

The PRESIDING OFFICER. The Senator from California yields to the Senator from Alabama.

GEORGE WASHINGTON AGUIRRE.

Mr. MORGAN. I am very thankful to the Senator from California for his courtesy. He has the floor on the joint resolution which is before the Senate, and it can be disposed of if Senators will only contain themselves a little while in a legitimate and in a decent way. I rose under the privilege which was accorded to me by the Senator from California to ask unanimous consent for the adoption of a resolution which I will read:

> *Resolved,* That the President is requested, if it is not, in his opinion, incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

You will observe, Mr. President, that there is quite an association of dates there that have a great hold upon the affections of the American people. He seems to have surrenderd on the 4th day of July, 1896, and his name is George Washington Aguirre. He is 19 years of age, and he surrendered under a proclamation of amnesty which invited him to come in and surrender. Doubtless he is one of our American boys, of Cuban origin, who has gone down there to take a hand in that scrimmage, as I am afraid a good many of them are inclined to do. For the benefit of the Senator from Massachusetts [Mr. HOAR], if he doubts the citizenship of this man (he seems to turn his head in this way as if he wanted to make a point of citizenship, as he made yesterday), I will call his attention to another name by reading the following letter:

> NEW YORK CITY, *February* 24, 1897.
>
> MY DEAR SIR: I desire to call your attention to the case of George Washington Aguirre, an American citizen, 19 years of age, and a prisoner in the Cubana fortress in Habana since the 4th day of July last. He surrendered

under the amnesty proclamation of General Weyler promising freedom to those who gave themselves up. He was promptly ordered to be court-martialed, but by the interference of General Lee this was changed to an order for a civil trial. This civil trial has not come yet and likely never will, without the aid of our Government. The tortures of this boy threaten his life. I make this statement to you upon respectable authority, who have requested this letter. I have no personal knowledge of the facts. The authority of this nation should correct such wrongs, and speedily. His release should be demanded at once.

I am, very truly, yours, ETHAN ALLEN.

Hon. JOHN T. MORGAN.

Now, there is another name connected historically with the United States, and I suppose I can venture to assume here in presenting this resolution that this boy, whose name is George Washington Aguirre, and who is only 19 years of age, is a citizen of the United States, because Ethan Allen has said so. That is as far as I can go upon it. Now, acting upon that predicate, I want to ask the unanimous consent of the Senate for the adoption of this resolution for information from the President.

Mr. HOAR. What was it the Senator called my attention to? I came into the Chamber as he finished the reading.

Mr. MORGAN. I called attention to the fact that this man was evidently of Cuban birth, born of a Cuban family, because his name is Aguirre. I suppose the Senator would be ready to raise the question of naturalization on him, and I wanted to say that I had no further testimony to offer on the subject than the testimony of Ethan Allen.

Mr. HOAR. The Ethan Allen of the Revolution?

Mr. MORGAN. His grandson.

Mr. PLATT. He is president of the Cuban junta of New York.

Mr. MORGAN. He is a grandson of Ethan Allen of the Revolution and is very apt to be president of a revolutionary junta, or whatever you may call it.

Mr. HOAR. I thought the Senator said something about the case that was up yesterday as I came in.

Mr. MORGAN. No; I was going to get to that after a little. I ask for the adoption of the resolution, Mr. President.

Mr. FRYE. It is only a resolution of inquiry.

Mr. WHITE. If there be no objection and no discussion, I will yield for that purpose only. I wish to make a very limited number of observations, which will not consume five minutes.

Mr. MORGAN. Of course one objection will carry it over.

The PRESIDING OFFICER. The resolution will be read at the desk for information.

The SECRETARY read the resolution, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and a citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. HOAR. It alleges certain facts.

Mr. GRAY. I rise to say a word and to ask a question.

The PRESIDING OFFICER. Does the Senator from California yield for the purpose?

Mr. WHITE. I can not yield for a debate.

Mr. GRAY. It is not debate. I want to ask a question.

Mr. WHITE. I will yield to the Senator from Delaware.

Mr. GRAY. I want to appeal to the Senator from Alabama that he allow the resolution to be so amended as not to make the Senate of the United States responsible for allegation of fact of which they can know nothing. It may be all true, but if he will put in the word "alleged" before "citizen" and "alleged" before "surrendered," I have no objection to the resolution. Otherwise I have.

Mr. MORGAN. I will do that with great cheerfulness, because the Senate of the United States has got so far that it is not willing to take any responsibility for ——

Mr. LINDSAY and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. The resolution will be amended accordingly. Does the Senator from California yield to the Senator from Kentucky?

Mr. WHITE. For a question.

Mr. LINDSAY. I desire to know whether this able-bodied young man, who abandoned the Cuban cause and took advantage of the amnesty proclamation, ought not to change his name before he asks the Senate of the United States to intervene in his behalf. That was a very un-George Washington like act, and I do not think he comes here in a position to demand any extraordinary consideration at the hands of the Senate.

Mr. MORGAN. How could he change his name?

Mr. CALL. Will the Senator allow me to say a word?

Mr. LINDSAY. I refer to the George Washington part of his name.

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Florida?

Mr. WHITE. I do not want to discriminate, and therefore I yield to the Senator from Florida.

Mr. CALL. Mr. President, I happen to know this young man, George Washington Aguirre. He is a native American, born of Cuban parents, who became naturalized and lived in this country and abroad. He is a young man, animated by a noble, virtuous, honorable sentiment of devotion to the country of his forefathers. He went to Cuba for the purpose of rendering patriotic aid to the cause which he believed in common with all the Cuban people to be a true and honorable effort to obtain independence. He is quite a youth, not yet being 21 years of age. He was here in Washington just before his departure for Cuba. I have no doubt from these facts, which are within my knowledge, that the statements of the letter read by the Senator from Alabama are true.

Mr. LINDSAY. He did not desert the Cuban cause?

Mr. CALL. I suppose that, like many others, he might have been exhausted by the severe privations, to which he was unaccustomed. I know nothing about that; but a youth, comparatively of tender years, and not accustomed to great exposure, might quite naturally be unable to continue in the service.

Mr. WHITE. As I understand, the resolution in its present form is objected to, and therefore I presume it will go over.

Mr. FRYE. The Senator from Alabama accepted the amendment proposed.

Mr. WHITE. Then, if it may be voted upon without further discussion, I will yield for that purpose.

The PRESIDING OFFICER. The Senator from Alabama accepted the amendment of the Senator from Delaware. Is there objection to the present consideration of the resolution?

Mr. HOAR. Let us hear the amended resolution.

The PRESIDING OFFICER. The resolution will be read as amended.

The SECRETARY read the resolution as modified, as follows:

> *Resolved,* That the President is requested, if not in his opinion incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of and any proceedings against George Washington Aguirre, a youth of 19 years of age, and an alleged citizen of the United States, who, to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896.

Mr. GRAY. Let it be read "is alleged to have surrendered." We do not know anything about that.

The PRESIDING OFFICER. The resolution will be so modified.

Mr. ALLEN. I rise to a parliamentary inquiry. If this resolution is passed, does it displace the Sanguily resolution?

The PRESIDING OFFICER. It does not, the Chair will state.

Mr. BERRY and Mr. MILLS. Question.

The PRESIDING OFFICER. The Chair hears no objection to the present consideration of the resolution. Is the Senate ready for the question? The question is on agreeing to the resolution of the Senator from Alabama as modified.

The resolution as modified was agreed to.

Mr. WHITE. Mr. President, I trust that we will find George Washington Aguirre to be a duly qualified citizen of some country. I am not altogether convinced of his innocence, of his impeccability, or his statesmanship. I do not consider these propositions established merely because he bears the name of George Washington. I remember some time ago prosecuting a person, who was sent to the penitentiary of my State, whose name was Juan de Dios (John of God). He never by word or deed justified a claim of honesty.

I do not intend to discuss questions relating to Julio Sanguily at any length today for the reasons stated by the Senator from Maine [Mr. FRYE]. I understand that a resolution will be offered later by Mr. Sanguily's friends in this Chamber protesting against his pardon. They seem to be disturbed because he is at liberty.

Objections have already been registered to the action of Sanguily and his counsel in admitting guilt and seeking pardon. It is unfortunate that we have not been able to control Mr. Sanguily in this respect, and his absence from prison will deprive the world of a vast amount of very effective and charming eloquence, accompanied, no doubt, by applause of an intelligent and discriminating character. It is indeed too bad that Sanguily has been pardoned, even though our resolution has not passed and has not been transmitted to the Government of Spain. It is to be hoped, Mr. President, that when the Committee on

Foreign Relations brings us a case for discussion hereafter it will be a live case, and it is to be hoped when a resolution is produced here demanding somebody's surrender that we may not discover in the midst of patriotic declamation that the gentleman whose liberty we are seeking to obtain has already successfully petitioned for a pardon and admitted his guilt without consulting us. We can hardly retrieve our position by substituting George Washington Aguirre for Don Julio Sanguily. [Laughter.]

I regret that the chairman of the Committee on Foreign Relations is not in this Chamber. Possibly he may have heard of the pardon of Don Julio Sanguily. Were the chairman of the committee here, I should ask him whether it is true that he had in his pocket, or that his committee had in its custody yesterday, when this question was being considered, a document showing that Mr. Sanguily had petitioned for pardon. Such an assertion has been made, but I should like to know whether it is true. I have no information upon the subject. If the report be true, the Committee on Foreign Relations should not have kept the information from the Senate. If it was not proper information to be given publicly, we might have placed ourselves "incomunicado," and should have closed the doors; in that way we might perhaps have constituted ourselves a body of "pacificos."

I do not wish to interfere with the appropriation bills which were set aside today in order that Don Julio Sanguily might be released. I will yield to the Senator from South Dakota to make the motion of which he has already given notice.

* * * * * * * *

Mr. LODGE. Mr. President, I had no intention of saying a word on this resolution, which I think was properly laid aside and the appropriation bill taken up. But, in the absence of the chairman ot the Committee on Foreign Relations [Mr. SHERMAN], the Senator from California [Mr. WHITE] saw fit to attack that committee and revive the debate, and say one or two things which I do not propose to leave unanswered, as the chairman of the committee is not present to say anything in regard to it.

I am very sorry that the Senator from California should be so disturbed about the flow of eloquence in the Senate on the Sanguily resolution, and about the applause in the galleries. I think he was unreasonably disturbed. He spoke for four hours himself, and no galleries interrupted him. [Laughter.] Also, Mr. President, I want to say that this matter is not to be settled by sneers, nor is an answer made in this case by mispronouncing the name "Julio," nor is this case answered by making fun of some man whose name happens to be that of the great general and statesman whose birthday we celebrated here a few days ago. This matter can not be disposed of by sneers.

The case in which a pardon has just been granted is but one case. There is information which has been withheld from the Senate and from the American people in a great many other cases not in relation to Cubans, but in relation to American citizens. Those will all come to the surface. We shall all see it some day; the Senate will have the opportunity of seeing it; the American people will have the opportunity of seeing it.

As to this specific case and the charge made against the Foreign Relations Committee, I desire simply to say a single word. That committee had received no information that this man had been pardoned. The Committee on Foreign Relations began to consider this case about one month ago. The report they made is dated the 1st day of February. We put the matter over from week to week at the request of the State Department, because we were told that the diplomatic negotiations which had been going on for about twenty-three months were about approaching a close, and the Department hoped in a few days to have this man pardoned. We put it over; and finally we reported the resolution, and we got the man's pardon the next morning. In other words, twenty-three months were consumed in diplomatic negotiations; but after the matter was taken up and it was discussed by the committee and presented at the bar of American public opinion, the news of the man's pardon came by cable this morning, and we are sneered at because we are told he was going to be pardoned anyway.

Mr. GRAY. May I ask the Senator a question as to a matter of fact?

Mr. LODGE. Certainly.

Mr. GRAY. The Senator from Massachusetts says that twenty-three months have been consumed by the State Department in negotiations in regard to the case of Sanguily.

Mr. LODGE. I think I have stated the fact correctly.

Mr. GRAY. Is it not a fact that the larger part of those negotiations, and the greater part of the time occupied in pursuing them, was consumed in discussing the treaty between the United States and Spain in regard to citizens of the United States who were arrested for participating in rebellion, without arms in their hands, and demanding for them a trial by a civil court under the treaty; and whether, at last, those negotiations were not successful in procuring that trial, and that the necessary delay was by reason of the procedure of the courts, which, of course, takes time?

Mr. LODGE. I did not enter into what the diplomatic negotiations were about.

Mr. GRAY. The Senator from Massachusetts gave that impression; at least, I so understood him.

Mr. LODGE. I stated that diplomatic negotiations had been going on in regard to this man's case for twenty-three months, and that is absolutely true.

Mr. GRAY. But the Senator gave the impression that futile negotiations were going on for twenty-three months, whereas at different stages the demands made by the State Department were acceded to by the Government of Spain, and the trial demanded before a civil court for Sanguily was granted after necessary delay owing to their form of procedure.

Mr. LODGE. I did not say the negotiations were futile. That word was not used by me, but used by the Senator from Delaware.

Mr. GRAY. I say that is the impression I got from what the Senator stated.

Mr. LODGE. I did not so state, but I shall not quarrel with the Senator about that. All I said was that for twenty-three months diplomatic negotiations had been going on in regard to this man; that the question has been considered in the committee for one month; that the resolution was reported to the Senate yesterday, and this morning we have cable news that Sanguily is pardoned. Those are the simple facts, and I am perfectly willing to leave them.

Mr. GRAY. Those are not the simple facts.

Mr. LODGE. I beg the Senator's pardon. Had not diplomatic negotiations been going on for twenty-three months?

Mr. GRAY. There it is again, Mr. President. The simple statement is made that negotiations of a diplomatic character have been going on for twenty-three months, and the impression is made — I do not know whether it is sought to be made by the Senator from Massachusetts or not — that negotiations, which were futile in their character, have been going on all that time in regard to the release of Sanguily, whereas a greater part of the time was occupied in demanding the rights of Sanguily under the treaty with Spain.

Mr. CHANDLER. Where was Sanguily all the time?

Mr. LODGE. I did not say that the negotiations were futile. The Senator from Delaware keeps saying that.

Mr. GRAY. I intended that the Senator should state or that I should state for him what the real facts were.

Mr. LODGE. I omitted no facts. I say diplomatic negotiations were going on for twenty-three months, and during that time this man was in prison. There is no question about it. I do not say the negotiations have not been successful. We know they have been successful, because he was released this morning or yesterday.

I say it was twenty-three months that the State Department was engaged in negotiations before the Senate did anything, so that they did not seem unreasonably impatient about it.

Mr. TELLER. Will the Senator allow me to state that this man was tried and condemned on December 3, 1895, and sentenced on December 3, 1895, more than a year ago.

Mr. LODGE. He was sentenced more than a year ago, Mr. President.

Mr. GRAY. The trial from which the appeal was made was had on the 3d of December, 1896. That was the trial against which the State Department protested.

Mr. LODGE. He has been tried, and an appeal has been taken, and all that. But, Mr. President, I do not care to go into the details of it. The facts are perfectly well known.

I only desire to say, in reply to what the Senator from California [Mr. WHITE] has said, that the Committee on Foreign Relations had put this matter over two or three times at the request of the Secretary of State, because Sanguily was about to be released and action was about to be taken as the result of diplomatic negotiations. We had no information yesterday that he was pardoned, so far as I am aware.

Mr. MORGAN. We have none now.

Mr. LODGE. We had no information that he had been pardoned.

Mr. WHITE. Nobody said you had.

Mr. LODGE. I understood the Senator from California — if I misunderstood him, I am very sorry — to say that the committee yesterday had information that Sanguily had been pardoned.

Mr. WHITE. I stated that the committee, as I understood it, had the information in their pockets, or the chairman had in his pocket a petition filed by this gentleman's counsel and himself, asking for pardon, and that they knew of the processes which had beed had in connection with the affair.

Mr. LODGE. What counsel does the Senator refer to?

Mr. WHITE. The counsel, if I may be permitted to pronounce his name — although I have heretofore supposed that I had a little knowledge of the Spanish language — I may be permitted to say Julio Sanguily, notwithstanding a correction by the infallible authority at present upon the floor. [Laughter.]

Mr. LODGE. The Senator is welcome to pronounce that name any way he likes. I thought from his knowledge of Spanish that he was mispronouncing the name humorously, as that is the common form that is employed against Cubans.

All I want to know is who the counsel is who has made this statement. I received no information and the committee received none.

Mr. WHITE. I had no reference to the Senator, and was not thinking of him in connection with the matter.

Mr. LODGE. I can only answer for the committee. The committee received no statement. There was a dispatch read here by the Senator from Maine [Mr. HALE] from Mr. Dominguez, I think, who said an appeal had been taken. That was read here in open Senate by the Senator from Maine. But there was nothing sent to the committee except a single communication from the State Department, and not from the counsel. That did not say that the pardon had been granted. It said what had been said before, that efforts were being made to obtain a pardon.

Mr. GRAY. Let me ask the Senator whether the information he got in committee — as long as he has spoken of what occurred in the committee — was not to the effect that a pardon had been determined upon just as soon as the condition precedent, which is requisite under Spanish law, had been complied with?

Mr. LODGE. I understood that they were trying to get a pardon.

Mr. GRAY. I tried to get out the information that it had been determined upon by the Spanish executive.

Mr. LODGE. Then the Senator said that a pardon had been granted.

Mr. GRAY. That it had been determined to be granted as soon as the condition precedent, necessary under Spanish law, had been complied with.

Mr. LODGE. That is exactly what I said. I said that we received information that a pardon was shortly expected.

Mr. GRAY. Yes.

Mr. LODGE. And that it had not been granted.

Mr. GRAY. Your previous statement was, unless I misunderstood you — of course I have no altercation, and will have no altercation, with the Senator — that the information was merely that efforts were being made to obtain a pardon.

Mr. LODGE. No; I mean that the process was going on for twenty-three months, or any period you please.

Mr. GRAY. You said it was approaching a conclusion.

Mr. LODGE. That was what we were told at the beginning of February, when we took the matter up — that it was approaching a conclusion. As the Senator well knows, we postponed the matter from week to week on that account.

I did not mean to be drawn into this discussion. What I desired to say was that the committee did not have the information which the Senator from California attributed to it. I know nothing about the counsel except the dispatch read by the Senator from Maine. I did not then know that the Mr. Dominguez who is named in the dispatch was the counsel for Sanguily.

* * * * * * * *

Mr. WHITE. Mr. President, I do not wish to incommode the Senators who have charge of the appropriation bills, and I do not intend to do so, and I will say but a very few words.

The Senator from Massachusetts [Mr. LODGE] seems to think there has been a personal onslaught of some kind upon himself, and he was led to call my attention to the lack of enthusiasm created by my remarks made to the Senate yesterday. I presume his object in thus informing us was designed to excite my envy when contrasting my position with the enthusiastic demonstrations which ever attend his eloquent and relevant statements.

However, I have lived long enough to know that there are many great men in this world, and that I have no claim to greatness, and it is enough for me even temporarily to rest in the shadow of the mighty intellectual power whose instruction has been so generously given. I, perhaps, might survive some of the comments of the Senator, but I do not know how I can exist in view of his criticism upon my pronunciation of the name of the party mentioned in the joint resolution. I ventured to call him Julio Sanguily, and the Senate has been informed that I mispronounced his name, and this I did in a disrespectful manner. If it were not for my faith in the abilities of the Senator from Massachusetts and my consequent belief that all of the Spanish scholars I have ever met have been mistaken as to the pronunciation of such names, I would, perhaps, hesitatingly venture to adhere to my own view. I will, however, study the lesson proffered by the Senator from Massachusetts and shall endeavor to absorb some of that learning which must be useful to the Senate, pertinent to this debate, and natural to the Senator from Massachusetts.

I regret that my friend the Senator from Florida [Mr. CALL] also accuses me of having taken up too much time. It is seldom that I take the floor save for an inquiry, whereas the Senator from Florida is a chronic speaker upon the subject of Cuba. He is not in a position to rebuke me for my single infraction. Now that Julio Sanguily (I hope I may be permitted to continue to so pronounce his name) is free, we are treated to the case of Ruiz, and are told upon the authority of a newspaper, infallible, of course, before all tribunals, that Ruiz was badly treated, murdered in a dungeon. Comments on this topic are directed at me, and, as far as I am able to appreciate the Senator's meaning, the insinuation is conveyed that I and other Senators who do not favor declaring war without ascertaining what we are to fight about are guilty of the murder of Ruiz, and this because Sanguily has been pardoned. This conclusion might be considered slightly illogical by some, but not by the Senator from Florida.

Mr. HALE. Let me ask the Senator whether any motion has been made to substitute any other island for Cuba?

Mr. WHITE. I will say to the Senator from Maine that no motion has been made, but there are insinuations that something of the kind is coming; that if it be true that Sanguily has confessed his guilt, nevertheless there is suffering elsewhere, and it will be urged while we were mistaken in the case of Sanguily, a valid cause of complaint must exist as to some one. There must be an oppressed innocent somewhere, and we will be fully informed regarding the outrage by illustrations in the newspapers and magnificent orations in the Senate.

Mr. HALE. But no motion has been made to substitute any other island for Cuba?

Mr. WHITE. Not yet.

Mr. GALLINGER. We are going to put in the State of Maine next instead of Cuba.

Mr. WHITE. The Senator from Florida, after commenting upon the immense amount of time that I took in discussing the Cuban question yesterday, in order to be truly consistent, proceeded to make a speech upon the subject himself.

I yielded to the appropriation bills, and I will do so again in the hope that these important measures may be passed, and that we may establish a field day for the discussion of Cuba, and give notice to all alleged suffering patriots, wherever found, that their cases will be taken up as soon as the Calendar will permit, and our Navy increased correspondingly to the necessities of our belligerency.

ANNEXATION OF HAWAII

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Tuesday, June 21, and Wednesday, June 22, and Tuesday, July 5, and Wednesday, July 6, 1898.

The Senate having under consideration the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States—

Mr. WHITE said:

Mr. PRESIDENT: The correct determination of the issues now before the Senate is not only of vital national importance, but involves questions more grave than any dealt with in this generation. Heedless and thoughtless is the man who thinks otherwise. Some outside of this Chamber, persons ordinarily considerate, are in numerous instances carried away either by interest or by the excitement incident to the conditions surrounding us. They may clamor for immediate judgment, for no debate; but if this body is impotent to examine with care, with patience, and with at least some ability a crisis of this grave import, it has failed to accomplish the object for which it was called into existence and it has responded not to the aspirations of the framers of the Constitution.

Our differences, Senators, may be radical. There are a number upon one side of this issue and upon the other who are taking their positions honestly and with some degree, I trust, of intelligence. It will not, I think, prevent proper deliberation, I know it will not hasten consideration, to insist that there shall be no discussion and that in this body there shall be assigned no reasons for our action. The duty demanding reasons for our conduct will be discharged regardless of the demonstrations of arrogance.

THERE IS NO CONSTITUTIONAL POWER TO ANNEX FOREIGN TERRITORY BY RESOLUTION, CERTAINLY NOT OTHERWISE THAN AS A STATE.

Whatever may be said of the past history of this country or of the records to which Senators have adverted, there is one proposition which can not be contested, namely, that there is no precedent for this proposed action. States have been admitted into the Union, territory has been acquired and has been annexed by treaty stipulation, but there is no instance where by a joint resolution it has been attempted not only to annex a foreign land far remote from our shores, but also to annihilate a nation, to withdraw from the sovereign societies of the world a government which, in the opinion of the Senator from Alabama [Mr. MORGAN], is the best government of which he has any cognizance — no instance where an act of such supreme importance has been advocated as mere legislation.

It is well to reflect upon this subject and to do so not merely as it affects our obligation to obey the Constitution, but also as it pertains to our destiny and refers to the reasons for our existence. Senators may say that this, that, or the other should induce us to render ready acquiescence to an imperious and sudden demand, but I believe that every member of this body should record his vote after patient and careful thought, and that the judgment which he enters here should be one to meet the approval of his conscience. We are building for time to come, as well as for the present. We can not shift responsibility. The advice of the uninformed or criminal will not mitigate our mistakes, even though their views are momentarily indorsed.

Undoubtedly it is pleasant to be with the majority. The acclaim of victory never falls upon an unsympathetic ear when it reaches the person who has joined in bringing it about, but the obligation which attaches to our position requires, it seems to me, something beyond the reward of popularity. The Republic will never be safe if her people depend upon the mere guesses of Senators. The demands of honesty and the candid discharge of the Senator's duty as he sees it are but expressions of the same idea.

Mr. President, what are we asked to do? The resolution which has been presented comes from the House of Representatives, and is but a repetition of the resolution prepared by the Committee on Foreign Relations of this body, and is to my mind upon its face, irrespective of the constitutional questions involved, I was about to say absurd in its inaccuracy. Without for the time being debating the desirability of the annexation of the islands, gaze upon this proposed resolution. I appeal to Senators who are opposed to me upon the merits of this subject, and especially to those Senators, eminent at the bar, whose views have always been zealously guarded by their respect for that law which they have sworn to support and that Constitution to which they have here and elsewhere given their unqualified and repeated adhesion.

The joint resolution is entitled " A joint resolution to provide for annexing the Hawaiian Islands to the United States." It is as follows:

> Joint resolution to provide for annexing the Hawaiian Islands to the United States.
>
> Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America.
>
> The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided,* That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government,

shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

Until Congress shall provide for the government of such islands all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

The public debt of the Republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed $4,000,000. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said Government shall continue to pay the interest on said debt.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the Hawaiian Islands as they shall deem necessary or proper.

SEC. 2. That the commissioners hereinbefore provided for shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and to be immediately available, to be expended at the discretion of the President of the United States of America, for the purpose of carrying this joint resolution into effect.

I repeat, quoting from the resolution:

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, etc.

The resolution thus refers truly to the grant contained in the Hawaiian constitution, but utterly disregards the facts when it assumes that an unratified treaty means anything. I continue the quotation:

That said cession is accepted, ratified and, confirmed.

What cession, Senators? Has any cession been made? Is there a lawyer upon either side of this Chamber who is willing to say that there has been a grant, a cession by Hawaii of Hawaii? Can a cession be made when a proposition emanates from one party unaccepted by the other? Is there anyone who has regard for those attainments which he possesses who will claim that such contract has been made?

Is there any ambiguity in the meaning of the word "cession?" Is there any doubt about it? In Anderson's Dictionary of the Law, "cession" is defined "a yielding up, a transfer, a grant, as of land," and so on.

Has there been any grant? Mr. President, the people of Hawaii under their constitution provided how the islands might be ceded to the United States. They defined and limited in their organic instrument the method of conveyance by which they were to operate the divestiture of empire. Has that method been followed? Does anyone pretend that it has been followed?

Will anyone speak to me of a "treaty" when we are confronted with a mere proposition negotiated between the plenipotentiaries of two countries and unratified by a tribunal — this Senate — whose concurrence is necessary? There is no treaty; no one can reasonably aver that there is a treaty. No treaty can exist unless it has attached to it not merely the acquiescence of those from whom it emanates as a proposal. It must be accepted — joined in by the other party. This has not been done. There is, therefore, no treaty.

Black defines a treaty thus:

> In international law an agreement between two or more independent states—an agreement, league, or contract between two or more nations or sovereigns formally signed by commissioners properly authorized and solemnly, ratified, etc.

Hence the declaration in the resolution that a treaty has been made is manifest falsehood.

Whence, then, do we derive the right to speak of a cession, of a concession — of a grant? There is no grant, Senators. Whatever may be your views of the situation, that you can not deny. Yet in this instrument which you put before us, and which you ask us to support, you tell us that there is a cession, when you know that a cession can not be made without the concurrence of both parties to the agreement. That this resolution involves untruth is palpable.

Not only Mr. Frelinghuysen, a former Secretary of State, but other eminent publicists speak of a treaty as a contract and of rights conferred as contractual. We know, however we may regard a treaty, that it is absolutely ineffective, a veritable nothing, until it has received the approval of all parties who are necessary to it and who are named in it as such. Is a deed of any efficacy simply because I sign it, though I may have the title to property, if it is not duly delivered? Is a contract which mentions A and B as essential parties of any validity or any better than waste paper unless A and B concur and join in it? And yet in this remarkable resolution you treat this instrument as a concession, as an absolute accomplished fact, when you concede that it has no effectuality unless the same is given it by one party.

Mr. President, if this so-called treaty were executed by both parties, if it received the indorsement of this Government and was ratified by the Senate, then you would treat it as a cession. Would your treatment of it be any different from that which you now give it? Would you speak of it in any other way than you now speak of it when you say that the cession is accepted? And will you tell me, or can any one tell me, with any face or countenance, that a treaty which has not been accepted by the United States or ratified by the Senate is upon exactly the same plane as a similar compact which has been made complete under our laws? Yet such is the tenor of this resolution — such the ridiculous theory upon which we are asked to pass it.

Whatever may become of this subject in the end, I should be ashamed of the Senate if it indorsed a proposition involving such a manifest contradiction as this resolution. I should be regretful of the Senate and doubtful of the ability of its members if it voted for a resolution declaring that a cession had taken place by treaty, when upon our own records we find the indisputable evidence that there has been no ratification of such a treaty, and that there has been no cession or grant whatever. Yet it is not even proposed to change this phraseology — so ardent, if I may be permitted to use the expression, have some folks in this world become that they are willing to adopt anything if it involves the grant of Hawaii to this country, whatever may be the authority or whatever may be the language.

Mr. President, some may be surprised that gentlemen of ability and erudition, whose duty commands them to this Chamber, pay but little attention to this momentous subject. Many of them do not hesitate to announce elsewhere than in their seats that they are not in sympathy with this resolution, but they have made up their minds to swallow it, whatever it is or may be, and the less they know about it the less strain upon consciences already somewhat exerted.

But there are many matters other than the mere form of this resolution, there are numerous propositions besides those involved in the power of Congress; yet I think that, before entering into inquiries as to the merits of the case outside of the Constitution, it may not be amiss to ascertain whether we contemplate trampling upon the organic law in which we all profess to believe. I have heard it said upon this floor by a Senator not now in the Chamber, but a very ardent annexationist, that the Constitution, after all, has nothing to do with annexation. Well, Mr. President, if we may select from the many topics before us those which in our opinion had better be regarded in the absence of the Constitution, if that be a field for personal discretion and whim, we might as well eliminate that instrument from all thought and avoid its application to any controversy whatsoever.

The Senator from Georgia [Mr. BACON], in a very powerful address delivered yesterday, pointed out, from the debates in this body, that there never was a time or a day when any lawyer here claimed that the Congress of the United States, by joint resolution, had a right to appropriate territory or to do anything save admit new States. It is a stock argument for those who are in favor of Hawaiian annexation to declare that Texas is an example; that that State was admitted by joint resolution after a treaty had been rejected, and that, therefore, we may admit Hawaii, not as a State, but as a dependency, a Territory, or what not, upon that precedent. I repudiate this so-called argument. I deem it my duty to call attention to some of the decisions relied upon by the Committee on Foreign Relations in support of their contention on this point, and to certain precedents in the way of declarations of statesmen in both Houses, which have not yet been cited.

I assume, to begin with, as I have said, that we are for the first time endeavoring to annex extraneous territory, not as a " new State," by joint resolution, and that there is no precedent for such legislation. What was the condition in Texas? The Congress of the United

States did not adopt any such monstrous piece of contradiction and false statements as that reposing in the joint resolution to which I have adverted. It did not declare that there had been a cession when there was no cession. On the contrary, the first resolution adopted was as follows:

> No. 8.—Joint resolution for annexing Texas to the United States.
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.
>
> 2. *And be it further resolved,* That the foregoing consent of Congress is given upon the following conditions, and with the following guaranties, to wit: First, said State it to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the 1st day of January, 1846. Second, said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or may be due and owing said Republic, and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. Third, new States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30′ north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line slavery or involuntary servitude (except for crime) shall be prohibited.
>
> 3. *And be it further resolved,* That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas as an overture on the part of the United States for admission, to negotiate with that Republic; then,
>
> *Be it resolved,* That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission and the cession of the remaining Texan territory to the United States shall be agreed upon by the Government of Texas and the United States; and that the sum of $100,000 be, and the same is hereby, appropriated to defray the expenses of missions and negotiations to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate or by articles to be submitted to the two Houses of Congress, as the President may direct.
>
> Approved March 1, 1845 (5 Statutes at Large, page 798).

After this, such proceedings were had in Texas that the Congress of the United States on the 29th day of December, 1845, adopted another joint resolution, as follows:

No. 1.—Joint resolution for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union, which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution and erect a new State with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in said first and second sections of said resolution; and

Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said joint resolution; Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Sec. 2. *And be it further resolved,* That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

Approved, December 29, 1845. (9 Statutes at Large, page 108.)

Mr. President, it will be observed that in the Texas instance there was no unsustained reference to any cession, no pretense that the people of Texas had made any grant of their territory to the United States, and yet that statement might have been made in the face of the defeat of that treaty in the Senate with the same propriety that it is asserted in the pending joint resolution, for the Hawaiian so-called treaty stands unratified by the Senate. Equally impotent is it as a document of legal effect, equally valueless as a grant, equally nugatory for any other purpose, standing unratified as though it had been rejected.

Perhaps there may be this qualification, that it is subject to ratification, whereas a defeated treaty can not be made the basis for any affirmation; but so far as its legal potentiality is concerned, it is just as worthless today in the hands of the Secretary of this body unratified as though it had been rejected. It is not a treaty. The essential element of ratification here is wanting. And yet the Committee on Foreign Relations and the advocates of annexation, in the face of this obvious truth, speak of this attempted and unconsummated act as a cession, and ask the Senate to place itself upon record as holding that an unratified treaty involves the cession or grant of a Republic.

Mr. President, there was no such contradiction in the Texas case. There was a proposition made by the Congress of the United States, and the conditions contained in the first joint resolution already read were accepted by Texas, and thereupon the Congress passed another joint resolution making it of record that those conditions have been complied with, and then everything was complete. There was no cession of territory in the joint resolution. Texas was admitted as a State under the specific language of the Constitution. That phraseology has already been mentioned, but perhaps it will do no harm to read it again. However futile, as far as its effect upon those who do not care to listen may be, it is well to register here that some one has some regard for the organic law and is not disposed to ignore it. Section 3 of Article IV of our Constitution is as follows:

> New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or part of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

The Senator from Georgia [Mr. Bacon], with that clearness which is his characteristic, gave us the true reading and interpretation of that paragraph. I do not intend to fully traverse the field which he so ably considered except as it may be necessary in an incidental way, but I wish to incorporate here the appropriate language cited by the Senator from Georgia from Mr. Thurman. (Congressional Globe, part 1, third session Forty-first Congress, page 193.)

> Mr. Thurman. I believe, sir, it is proper enough for me to say, for I think the President himself says it in his annual message, that a treaty was negotiated for the annexation of Dominica to the United States, and that that treaty failed to receive the requisite votes in favor of its ratification, thus disclosing the fact that between the President of the United States and the Senate there is a direct opposition of opinion upon the subject of this acquisition.
>
> Now, not willing to defer to the opinion of the Senator — and I do not say that in order to blame him; he has a right to his own opinion — the President, with very great earnestness, urges upon Congress and upon the country the desirableness of this acquisition, and he goes so far as to suggest the mode by which Dominica may be annexed. Seeing that it is not likely to be annexed under the treaty-making power for want of the requisite support in the Senate, he suggests that it may be annexed by joint resolution, as in the case of Texas; and it is with a view to carry out, no doubt, the wishes or opinions of the President in this particular that the Senator from Indiana has introduced the joint resolution.
>
> Now, the first thing that strikes me is this: Is the Senate ready to recede from its position? Is the Senate willing to ratify a treaty for the annexation of Dominica, or is the Senate ready to annex Dominica by joint resolution?
>
> And in that connection I beg leave to call the attention of the Senate to the fact that you can not by joint resolution annex Dominica as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution of the United States that provides for the acquisition of territory by joint resolution of Congress unless it be one single provision, and that is that the Congress may admit new States into the Union. And it was upon the argument that there was no limitation upon that power to admit new States into the Union, that it was not limited to territory belonging to the United States, but that territory belonging to a foreign power might be admitted into the Union as a State.
>
> It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended that you could by joint resolution annex territory as a Territory without admitting it as a State. Then, if a treaty is to be abandoned, the proposition which is before the Senate is, Is this Senate prepared to annex Dominica in its present condition?
>
> * * * * * * * *
>
> Nobody, I think, has the least idea that any treaty for its annexation can be ratified. This Senate is not so ignorant that it did not know every essential thing in this resolution when it voted on the treaty. It would be to stultify ourselves to say that there is one single material inquiry in all this resolution that was not known to the Senate when it voted on the treaty; and unless the Senators who were opposed to that treaty are willing to recede from their opposition and ratify a treaty that may be formed, it follows that this resolution can

> only be put forward with the view of annexing Dominica by joint resolution, and that, as I said before, you can not do unless you are willing to take her in as a State.

That is what Allen G. Thurman said in this Chamber in the year 1870.

> I say again that no man on this floor, I think, has the least idea that a treaty of annexation can receive the requisite number of votes for its ratification, and therefore — and I can not, perhaps, repeat it too often — the only question is, Will you annex Dominica as a State?

I will quote from several able men who were heard from in the Texas debate, showing that in that remarkable discussion every advocate of annexation grounded his faith upon the specific grant contained in the Constitution to admit new States. Indeed, in that great controversy, notable not only for the learning which was evolved, but for the statesmanship which was manifested, there was no one who took the ground of a recent eminent statesman who said that we can admit Hawaii under the "general-welfare" clause of the Constitution.

This novel extension of the general-welfare clause deserves to be classed with the somewhat more candid utterance of another, who asked, "What is the Constitution between friends?"

Without taking time to read in full speeches which I have tried to examine, I will quote very briefly from some of the addresses made during the Texas debate in enforcement of the statement which I have just made. Mr. Johnson, of Tennessee, afterwards President of the United States and then in the House of Representatives, on the 21st of January, 1845, said:

> The admission of a sovereign State into the Union is not an acquisition of territory in the sense that territory is or can be acquired under the treaty-making power. They are wholly different. * * *

Mr. Johnson was talking of admission by joint resolution. He recognized the distinction upon which I insist.

I quote from page 222, Appendix, Congressional Globe.

Mr. Douglas, of Illinois, also in the House of Representatives, on the 6th of January, 1845, page 67 of the Appendix to the Congresssional Globe, said, in alluding to the proceedings of the Constitutional Convention:

> All of the propositions, after meeting with some favor at first, were finally rejected, and the general clause as it now stands in the Constitution, providing that "new States may be admitted by the Congress into the Union," was adopted in lieu of them. Thus it will be perceived that instead of restricting the power as it existed in the articles of confederation, it was greatly enlarged in the Constitution so as to authorize Congress to admit new States by a vote of a majority of each House, whether within the original limits of the United States or not.

Mr. Tibbatts, of Kentucky, on January 13, 1845, page 110 of the same Appendix, said:

> Mr. Madison, who was the author of that number (fourteenth number of the Federalist), says: "The immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable, and to add to them such other States as may arise in their bosoms or in their neighborhood, which we can not doubt to be equally practicable." Thus, according to the interpretation given this power by Mr. Madison, the Constitution provides, first, for the union of the then existing thirteen States; secondly, for the admission of new States which arise out of the original States; and thirdly, for the admission of such other States as might arise in the neighborhood of the thirteen primitive States.

Mr. Bowlin, of Missouri, whose remarks are found on page 93 of the Appendix to the Congressional Globe, said:

> Now, sir, what says the Constitution itself upon the subject of the admission of new States into the Confederacy? It says: "New States may be admitted by the Congress into this Union." This is the express language of the Constitution, and without any restriction, except so far as it concerns the division or amalgamation of existing States. Can language be more comprehensive than this? The power is here given in the very broadest terms.

Mr. Colquitt, of Georgia, a Senator, on page 254 of the Appendix to the Congressional Globe, said:

> Honorable Senators seem to blend the idea of acquiring territory and admitting States and thereby produce confusion. It is insisted that we must acquire territory by treaty! Let this be so, and it does not touch the argument. For it is absolutely certain that you can not admit a State into the Union by treaty, that power being conferred alone upon Congress.

And here will be found throughout all that discussion the statement by every advocate of Texas's annexation — and I have only read from them—that the right and the authority of the United States to admit Texas were granted and delegated by the explicit phraseology of the Constitution itself; that the power to "admit new States" was not limited to the original thirteen, nor even, as Mr. Madison had said, to those in their immediate neighborhood, but that it was a grant to Congress to bring into this sisterhood another member; a grant explicitly made, and one which could not be denied in the case of Texas without imposing a limitation upon the constitutional phraseology not to be discovered in the instrument itself.

It never struck any of those great statesmen who at that time discussed this matter of momentous import that there was any other authority than that to which they referred, and from that time to this I imagine the action of the Congress has been justified by reason of that power in the Constitution. There was a powerful element holding that the power to admit new States was limited to the area described by Mr. Madison, but no one pretended to seek refuge in or under the general-welfare clause.

Again I quote from Senator Colquitt, page 254 of the same document:

> The argument I have just made is based upon the supposition that by admitting Texas as a State this Government acquires the territory of Texas. I have thought proper to enforce this view because it seems impossible for some minds to conceive how Texas can become a member of the Union unless this Government does thereby acquire her territory. To my mind the distinction is manifest, and that by the resolutions from the House we acquire no territory, but leave Texas as a State, possessed of her entire domain, to dispose of as she pleases, under our Constitution, fixing only the terms by which she may become a confederate. The acquisition of territory is one thing; the admission of a State is another and totally different.

Mr. Yancey, of Alabama, on the 7th of January, 1845, page 86, same Appendix, said:

> No man can doubt the constitutional power to admit Texas as a "new State." That being so, some such proposition must be united on.

Senator Woodbury, who was one of the ablest of the advocates of the annexation of Texas, said, among other things, during the same debate:

And upon what grounds, then, did the honorable Senator from Virginia say that the House, in passing these resolutions, were assuming an executive power? In adopting these resolutions, did it not leave the ratification of treaties to the Senate, as it was before? Gentlemen will say, "How can this be when the Senate refused to ratify the treaty of Texas at the last session, when the matter was referred to them?" He would explain the difference. In that case the attempt, by treaty, was not to admit Texas into this Union. No such proposition was made. We might buy one acre or a million of acres of territory by treaty, but that was not admitting her into the Union as a State. There was no proposition in that treaty to admit her into the Union as a State. He said then, when that treaty was pending, that if ever she was admitted as a State, it must be by Congress. That was what was now undertaken to be done. Do we propose to admit her as a Territory, not as a State? On the contrary, the treaty is repudiated, and we proceed to admit her as a State by this resolution.

At the last session of Congress we were acting under the grant in the Constitution given to the treaty-making power. He need not talk of that. We were now acting upon the power conferred upon Congress and not upon the treaty-making power to admit new States. Gentlemen, therefore, made nothing by saying that we refused to ratify the treaty presented to us at the last session of Congress. There was no treaty before us now. It was an entirely different subject — that of making Texas a State. It was different in substance as well as in form. Now the attempt is made to deny to Congress this express grant.

* * * Mr. Woodbury, in continuation, remarked that the question discussed in those letters was the acquisition of territory; the question of the admission of new States did not arise till nine years afterwards. Mr. Jefferson was not, like Mr. Nicholas or Mr. Madison, a member of the convention, and therefore, not so well acquainted with the grounds of argument which had prevailed in it. But even if the inference drawn from Mr. Jefferson's opinions were fairly deducible from them, the cases are not parallel ones. The propriety of admitting territory by treaty and new States by legislation can not be treated as the same issue. The treaty-making power and legislative power in those different cases are not in conflict.

There are many similar enunciations occurring during that discussion, and all of which tend, as far as those who took this view, to the point that under the Constitution the power is given to Congress to admit new States, and that such admission is authorized regardless of locality, but that the right to act does not include anything outside of the terms of the instrument, viz., "new States."

Mr. President, how can a joint resolution such as this be operative? What is the legislative jurisdiction of Congress? Does it extend over Hawaii? May we in this anticipatory manner reach out beyond the sea and assert our authority under a resolution of Congress within the confines of that independent nation? Where is our right, our grant of power, to do this? Where do we find it? Some assume to discover it in the supposition that there has been a cession, which has in truth never been made. Hawaii is foreign to us. We base our jurisdiction upon a falsehood desired to be made conclusive in a resolution the verity of which it is said can not be attacked, however groundless it may be. The committee in this document assert that a cession has been accomplished, because they well know that we have otherwise no power to act.

The right of Congress to admit new territory by treaty has been often considered. It puzzled Mr. Jefferson in the Louisiana case, and notwithstanding the assurances of Mr. Gallatin, he always appeared to have doubts as to the propriety of his course. But eminent statesmen who have succeeded him, jurists who have construed the Constitution, have not found any considerable difficulty.

Mr. Justice Story, in his great work upon the Constitution, has adverted to the treaty-making power, and has sought, in so far as it is pertinent to this matter, to some extent to define and explain it. I may be pardoned, perhaps, if I refer to Justice Story. It is becoming in this new era an improper thing to rely upon the fathers of the Republic and those who succeeded them. When one reads from Washington a smile passes over the countenances of the hopeful investors in the Philippines. Washington was of the old and non-progressive time!

The man who today will pin his faith to the doctrines of those men who laid the foundations of this Republic and recorded in constitutional monuments their definitions of human rights and their ideas of the true limitations of the powers of government is becoming somewhat of a fogy. We are told that there is a new era dawning upon us; that a better time has come. Light which did not shine upon earlier statesmen illumines the understanding of today. No man who can pen a line and who aspires to popularity and to the advocacy of what he calls progress questions the superiority of his own attainments as contrasted with Washington, Hamilton, or Jefferson.

But, Mr. President, enough as to that now. Judge Story (2 Story on Constitution, section 1324) says:

> As the General Government possesses the right to acquire territory either by conquest or by treaty, it would seem to follow as an inevitable consequence that it possesses the power to govern what it has so acquired. The territory does not when so acquired become entitled to self-government, and it is not subject to the jurisdiction of any State. It must consequently be under the dominion and jurisdiction of the Union, or it would be without any government at all. In cases of conquest the usage of the world is, if a nation is not wholly subdued, to consider the conquered territory as merely held by military occupation until its fate shall be determined by a treaty of peace; but during this intermediate period it is exclusively subject to the government of the conqueror. In cases of confirmation or cession by treaty the acquisition becomes firm and stable, and the ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty or on such as its new master shall impose, etc.

And Kent, who belongs to the same race of statesmen, not the later edition, says (1 Commentaries, thirteenth edition, page 166):

> The department of the Government that is intrusted by the Constitution with the treaty-making power is competent to bind the national faith in its discretion, for the power to make treaties of peace must be coextensive with the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers. All treaties made by that power become of absolute efficacy because they are the supreme law of the land. There can be no doubt that the power competent to bind the nation by treaty may alienate the public domain and property by treaty. * * * The power that is intrusted generally and largely with authority to make valid treaties of peace can, of course, bind the nation by alienation of part of its territory.

This authority, unless repudiated, ought to set at rest the contention that territory can not be acquired by treaty.

Mr. President, when we reflect as to the lines which demark the jurisdiction of the Legislature, we must confine that department to our own nation. We can not, as I said before, extend our legislative right to act without until there has been some authority by which that which is without is brought within. Whence do acts of Congress go? Upon whom do they operate? Upon the people of the United States. They have no efficacy beyond the United States except in so far as they influence the conduct of her people in certain excepted cases, and those exceptions are more apparent than real. They are impotent to affect the title or the status of the property of those who live upon alien soil. Where, then, do we obtain the authority to annex unless by some treaty provision? As Chancellor Kent has well said in speaking of treaties:

> The power to make treaties of peace—

Which he was then considering, and his remarks apply, of course, to treaties in general—

> must be coextensive with the exigencies of the nation, and necessarily involves in it that portion of the national sovereignty which has the exclusive direction of diplomatic negotiations and contracts with foreign powers.

And, indeed, we have acted upon that theory. We have sought wherever we have attempted to bring foreign territory within our confines to make a treaty of peace. Does it matter that in the case which resulted in the acquisition of California and adjacent territory domain still was left to the grantor, to Mexico? If the power to alienate a part requires a treaty, shall we say that less consultation must be had when it is intended to convey all?

Reflection for but a moment must convince, it seems to me, the impartial mind that prior to the extension of our legislative jurisdiction something must happen bringing the foreign nation to us.

In the report of the Committee on Foreign Relations there is a brief reference to the decisions of the Supreme Court of the United States. In many instances jurists of not only ordinary repute, but who stand in the front rank of their profession, have used expressions not pertinent to the actual issue under consideration, which, when applied to other questions directly involving the matter thus incidentally treated, may not be considered strictly accurate.

These are called *obiter dicta.* They are to be encountered, I believe, in every line of authority in this country and elsewhere. Yet upon the topic concerning which I am now addressing the Senate there is but little in this regard that requires explanation or comment from me. It will be found that about the only phrase which pervades any of the opinions cited and which can be relied upon at all to justify the acquisition of foreign territory by legislative act is the declaration of the competency of Congress to acquire by treaty or conquest; the treaty being the result of a negotiation of the Executive and the Senate, the other the assertion of the war power.

Let us for a moment—the task will not, I trust, be uninstructive or tedious—consider what has been said in some of these opinions. All, I believe, save two are adverted to in the report of the Committee on Foreign Relations.

In American, etc., Company (1 Peters, 540), Chief Justice Marshall said, in speaking of the cession of Florida, which, as we know, was acquired by treaty:

> The treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. It is unnecessary to inquire whether this is not their condition independent of stipulation. They do not, however, participate in political power; they do not share in the Government till Florida shall become a State. In the meantime Florida continues to be a Territory of the United States,

governed by virtue of that clause in the Constitution which empowers Congress "to make all needful rules and regulations respecting the territory or other property belonging to the United States."

In the same opinion he further said:

> The Constitution confers additionally on the Government of the United States the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory, either by conquest or by treaty.

Mr. President, is there any pretense in this case that we are about to acquire dominion over Hawaii by conquest? Arguments were made in this Chamber by many Senators some time ago having for their object the maintenance of the proposition that we had really subdued or were responsible for the subjugation of Hawaii. But that hour is past. No such decision was rendered by the Senate, and the free and independent character of the Hawaiian Government was accepted not merely by a recognition by our Executive of its ministers, but by the explicit resolution of the Senate and its declaration that no foreign Government would be permitted to intervene. Indeed, the resolution was broader than that, and is somewhat significant as applicable here and as involving the then unanimous opinion of this body.

On the 31st of May, 1894, in the Journal of the Senate, page 218, of that time, the following will be found:

> *Resolved,* That of right it belongs wholly to the people of the Hawaiian Islands to establish and maintain their own form of government and domestic policy; that the United States ought in no wise to interfere therewith; and that any intervention in the political affairs of those islands by any other Government will be regarded as an act unfriendly to the United States.

There was a roll-call upon the passage of that resolution. The yeas were 55, the nays none. There is, therefore, no question here as to any right acquired by conquest. There can be no justification for the pretense that this Government, in aid of its interests in war, has seized upon hostile territory and occupied it, and holds it by that force and by that right. There is no such case here. How then, taking the language of Chief Justice Marshall cited in justification of the pending resolution, can that phraseology be tortured into an indorsement of this anomalous, this unique procedure suggested for the first time in the history of this Government? Have we acquired Hawaii by treaty? No. Against the assumption of this resolution every Senator here knows that there has been no acquisition.

Continuing the examination of the authorities relied upon and others noted elsewhere, we find in New Orleans *vs.* Armas (9 Peters, 235) that Chief Justice Marshall construed the treaty with France by which Louisiana was acquired, referring to the fact that she was admitted as a State by an act after the treaty of cession had been ratified.

Mr. President, a few moments ago I said, and it will do no harm to repeat it now, that those who discussed the Texas case pointed with unerring accuracy to the fact that there was there no cession of territory whatever, but that Congress by virtue of its power to admit new States brought in that Commonwealth as such. Here we are expected to reach out the legislative arm beyond the domain of the United States, under whose laws this Senate exists, and to assert dominion not only without our shores but beyond the confines of the Government with which we are concerned.

[At this point the Presiding Officer (Mr. GALLINGER) announced that the hour of 2 o'clock had arrived; and, by unanimous consent, the consideration of House joint resolution 259 was proceeded with.]

Mr. WHITE. Mr. President, a case much relied upon is Fleming *vs.* Page (9 Howard, 614), where the Chief Justice refers to the fact that Mexico had been conquered, and he says:

> The United States, it is true, may extend its boundaries by conquest or treaty, and may demand the cession of territory as the condition of peace in order to indemnify its citizens for the injuries they have suffered, or to reimburse the Government for the expenses of the war; but this can be done only by the treaty-making power or the legislative authority, and is not a part of the power conferred upon the President by the declaration of war.

The expression "or the legislative authority" has been frequently cited as justifying the statement that Congress had the power itself to annex foreign territory. It will be noticed, taking the phraseology all together and reading the opinion *in toto,* that the point under consideration was as to the war power of the Executive; and it is of some significance, in connection with recent rumors as to a supposed stretch of authority that it was said the President intended to exert, and which I have no idea he ever did intend to exert, that he can not, as the Commander-in-Chief of the armies of the United States, seize territory and appropriate it to the use of this nation, and therefore, *a fortiori,* he may not absorb by his own will the soil and territory of a friendly power.

No doubt, in pursuit of the objects outlined in a declaration of war and as the leader of the armies of this Republic, its Commander-in-Chief has a right to invade and to appropriate property of the enemy coming within his reach and which he may have the power to hold. He derives that authority under the war grants of the Constitution. But he has no right to seize territory without the enemy's lines. His taking of the enemy's territory is for the object and purposes of war—to accomplish peace by removing opposition. The Executive can not alone annex a State or a Territory. He can capture the foe and his property.

But, Mr. President, it will be found by a perusal of this opinion that there is nothing more in it than a statement that by conquest or treaty this Government has the right to extend its limits. In neither event can the proposed resolution be justified, however we may construe this declaration of the Chief Justice, because neither by treaty nor pursuant to conquest is the legislative authority or the treaty-making authority now invoked.

The following extract from the opinion of Justice Taney in the celebrated Dred Scott decision (19 Howard, 393) is relied upon as sustaining the authority of Congress to annex a Territory:

> We do not mean, however, to question the power of Congress in this respect. The power to expand the territory of the United States by the admission of new States is plainly given; and in the construction of this power by all the departments of the Government, it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by

> Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion. It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States, the judicial department is also bound to recognize, and to administer in it the laws of the United States, so far as they apply.

It must be remembered that the question involved in that case was not whether the territory could be annexed by joint resolution or by treaty, and the phraseology of the court can only be deemed effective in so far as it holds that the political department of the Government may take in outside possessions, intending to have in view their erection into a State or States. This opinion appears to be considered of importance by many who have heretofore vigorously questioned it.

In the same decision, Judge Taney said:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States, etc.

Evidently the author of this much controverted opinion did not anticipate the bringing in of Hawaii or the Philippines.

In Holden *vs.* Joy, in 17 Wallace, 211, Judge Clifford, in speaking for the court, said:

> Express power is given to the President, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur, and inasmuch as the power is given in general terms, without any description of the objects intended to be embraced within its scope, it must be assumed that the framers of the Constitution intended that it should extend to all those objects which in the intercourse of nations had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our Government and the relation between the States and the United States.

Hence it is that under the treaty-making power as thus defined the right to acquire territory exists. Hence it is that without negotiation between this Government and the other interested Government culminating in a stipulation or a treaty, there can be no accession of territory, no addition of soil.

It is not germane to this discussion to say that we can admit Hawaii as a State, because no one proposes to do so. No enthusiast here or elsewhere claims that Hawaii is ready for statehood. Every argument made upon this subject by annexationists carries with it a disclaimer that it is intended in our own time or for years and years to come to bring that region within the list of American States. Of course this claim must be made because the people of this country are not prepared, notwithstanding the declarations of the able and distinguished Senator from Alabama [Mr. MORGAN] that this is the best Government the sun has ever shone upon, to bring those many alien incompetents within our confines—that heterogeneous compound of manifest inefficiency.

In the report of the Committee on Foreign Relations attention is called to the late case of the Mormon Church *vs.* The United States (136 U. S., 42). I claim that this is an authority directly against the distinguished Senators who cite it, and that there is nothing to be found in it warranting the pretense that this joint resolution, if adopted, is constitutionally potential for the purposes attributed to it. Said the Supreme Court in that case:

> The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent Governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty.

Senators all recognize and admire the great abilities of Mr. Hamilton. His participancy not only in the formation of the Constitution, but his advocacy of that great instrument and his defense of the principles upon which it was based and the form in which they were expressed have been transmitted to us and constitute a part of the choicest literature of that remarkable time. Mr. Hamilton discussed the treaty-making power with his usual force and his accustomed clearness.

I call the attention of Senators to the remarks made by this lawyer and statesman, hoping that, however little the argument then made may be re-enforced by anything that I can say, his powerful reasoning will not be disregarded by those who are examining this resolution. I refer to page 506 of the seventh volume of the Works of Hamilton, from which I will very briefly quote.

> The power to make laws is "the power of pronouncing authoritatively the will of the nation as to all persons and things over which it has jurisdiction;" or it may be defined to be "the power of prescribing rules, binding upon all persons and things over which the nation has jurisdiction." It acts compulsively upon all persons, whether foreigners or citizens, and upon all things within the territory of such nation, and also upon its own citizens and their property without its territory in certain cases and under certain limitations. But it can have no obligatory action whatsoever upon a foreign nation, or upon any person or thing within the jurisdiction of a foreign nation.
>
> The power of treaty, on the other hand, is the power by agreement, convention, or compact to establish rules binding upon two or more nations, their respective citizens and property. The rule established derives its reciprocal obligation from promise, from the faith of which the contracting parties pledge to each other—not from the power of either to prescribe a rule for the other. It is not here the will of a superior that commands. It is the consent of two independent parties that contract.
>
> The means which the power of legislation employs are laws which it enacts, or rules which it enjoins. The subject upon which it acts is the nation of whom it is, the persons and property within the jurisdiction of the nation. The means which the power of treaty employs are contracts with other nations, who may or may not enter into them. The subjects upon which it acts are the nations contracting and those persons and things of each to which the contract relates. Though a treaty may effect what a law can, yet a law can not effect what a treaty does. These discriminations are obvious and decisive; and however the operation of a treaty may in some things resemble that of a law, no two ideas are more distinct than that of legislating and that of contracting.

I have cited Mr. Hamilton's view for the purpose of showing to the Senate that the statement made by me as to the jurisdiction of the legislative body over a foreign territory was not either a creation of my imagination nor in the slightest degree inaccurate. Certainly it received this distinguished sanction, and it is enforced, I think, by general reflection.

In the same article from which this extract has been read we find the following, also from Mr. Hamilton:

> Laws are the acts of legislation of a particular nation for itself. Treaties are the acts of legislation of several nations for themselves jointly and reciprocally. The legislative powers of one State can not reach the cases which depend on the joint legislation of two or more States. For this resort must be had to the pactitious power, or the power of treaty. This is another attitude of the subject, displaying the fallacy of the proposition that the legislative powers of Congress are exceptions to or limitations of the power of the President, with the aid of the Senate, to make treaties.

Whenever it becomes necessary to enter into any sort of a compact or agreement with a foreign power, we can not proceed by legislation to make that contract. We can violate a treaty made with a foreign power by our own legislative act in defiance of morals. There have been cases in the history of this country where the abrogation and overthrow of treaties by legislative acts have involved us in considerable diplomatic controversy; but as a legal proposition there has never been any doubt of the power of the legislative department of the Government to destroy the effect of a previous treaty. While we may thus release ourselves by our own power from its obligation in the form of law, we can not force another nation to enter into an agreement with us merely by our own act in the form of legislation. No such one-sided performance is known to either international law or to any system of jurisprudence in the world.

A treaty, I have said, is defined by many to be a contract. So accustomed have authors become to that expression that we find in the ordinary and well-accredited law dictionaries of the day a recognition of this proposition. In Anderson's Dictionary of Law the word "treaty" is defined thus:

> By the general law of nations, is in the nature of a contract between two nations; not a legislative act.
>
> A contract between two or more independent nations.
>
> Contracts between States may be called conventions or treaties. Treaties allowed by the law of nations are unconstrained acts of independent powers, placing them under an obligation to do something which is not wrong.

Bouvier takes a similar view. He says:

> Treaty. In international law. A treaty is a compact made between two or more independent nations with a view to the public welfare. Treaties are for a perpetuity or for a considerable time. Those matters which are accomplished by a single act and are at once perfected in their execution are called agreements, conventions, and pactions.

The pending resolution does violence to basic and elementary principles, and indicates to the outside world a wholesale disregard or absolute ignorance of the most fundamental, common, and usually known principles of jurisprudence.

Mr. President, if it be true, as stated in this decision, that the authority to acquire territory is derived from the treaty-making power, and the power to declare and carry on war, where do we find the right to annex these peaceful islands of the sea? Where is the grant, where is the authority for which Senators contend? When we speak of the power to do this, that, or the other thing in pursuance of the right to declare war, we are alluding to a condition of affairs which makes it necessary to strike down our foe. When we talk about the jurisdiction of this Government in days of peace when dealing with nations with whom it is friendly, a different condition surrounds us.

It is not with the sword, it is not with weapons of destruction, that we are approaching the Hawaiian Republic, but it is the subtle negotiator of peace and ostensible good will who longs to fasten Hawaii upon this Union. It is by diplomacy that we are solicited to bring her to us. It is by an instrument executed by plenipotentiaries from both Governments and awaiting our ratification that we are expected to bring that nation here, and it is by that means alone that Hawaii herself contemplated annexation, for in her organic law—and I refer to the thirty-second article of her constitution, as follows:

> ARTICLE 32.—TREATIES.
>
> The President, with the approval of the cabinet, shall have the power to make treaties with foreign Governments, subject to the ratification of the Senate.
>
> The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

THE HAWAIIAN CONSTITUTION DOES NOT PERMIT ANNEXATION BY JOINT RESOLUTION.

Mr. President, here in this so-called constitution of this so-called Republic, which by this so-called resolution of annexation is to be made a part of the American Union, as a Territory or a dependency, we find phraseology directly conferring the authority upon President Dole and the Senate to make a treaty of political or commercial union with the United States.

Under the expression "political union" the negotiation of the treaty which we had before us was sought to be justified. It was well known by the able and shrewd men who have had this annexation scheme under control that the power of Mr. Dole and of his cabinet and his Senate to deed away their country would be denied. We, claiming to be a Government of limited powers and to derive our authority from a Constitution granting either directly or by implication whatsoever authority we may have, were not expected to sanction or approve of a treaty destined to destroy a nationality unless in the instrument under which that nationality claimed to act there was plainly conferred authority to make that great cession. Therefore it was in the Hawaiian constitution there was inserted the thirty-second article, giving jurisdiction to make treaties, as therein stated, of political as well as commercial union.

Mr. President, it was thus recognized, not only here but in Hawaii, that by treaty alone could this deed be done. The necessity of two parties, each *sui juris,* to concur in formulating a valid contract certainly is no less obvious in the case of two nations than in that of individuals, and in recognition of this commonly known truth the people of Hawaii, if they spoke at all, limited the method of alienation in their organic instrument. They limited it in the terms and language to which I have adverted, and we accepted that limitation when our President negotiated a treaty, which is slumbering in the desk of the Secretary.

Hence, from the outset, it has been apparent not only to the people of the Hawaiian Islands, but to the people of the United States, that the circumstances are such as to require a treaty, not only because of the difficulties of the situation so far as we are concerned, but because there was no power in the Hawaiian Government to deal with the subject-matter otherwise than by treaty. Are we to ignore not only the lessons of our own history, not only the precedents which have been written through years of study and careful thought, but are we to take at this moment a nation within our bosom which, by its own organic law, has declared that its alienation shall be accomplished in a certain definite, defined and restricted method, which method has been ignored?

Do we care, I ask again, Mr. President, anything not only for the proprieties of the case, but for the rules prescribed in our own laws and in those of the country which we design to absorb? Are we disposed to play the role of the freebooter, or are we inclined to act according to law?

HAWAII NOT THE ONLY ISSUE—ACQUISITIONS BY CONQUEST DESIRED BY ANNEXATIONISTS—THE AMERICAN FLAG.

Mr. President, it is not merely the Hawaiian group which is involved in this disputation. Some suppose that the issue is thus limited. By no means. True, that object, and that alone, can be directly and at once accomplished; but there are other issues tied to this. I have heard it said here and elsewhere, and I have read it in this and that newspaper, that Hawaiian annexation must be considered alone; that its effect upon other questions is not proper for debate. On the other hand, almost each hour of the day the advocates of this annexation make use of expressions resembling this: "When once the American flag is raised anywhere, there it must forever float."

Mr. President, the American flag we revere and honor because it is not only the flag of our country, but because we believe that the Government which it represents is based and acts upon principles of honor, upon maxims and policies which will stand the scrutiny of ages and remain untarnished and unquestioned when the strongest of us shall be summoned hence, when tyranny shall be driven from the earth.

Whether that flag should float or should be taken down depends upon whether it was raised in justice and maintained in righteousness. If miscreant schemer shall place it where it should not be placed; if the hand of the invader and spoliator shall seize it, and under it conduct a campaign of disorder and rapine, of oppression and robbery, it will not be for the honor of this Republic or the glory of that flag that it shall continue to wave over such an accomplishment. Nay, that man is a patriot who will take it from the hand which held it for disgrace, who will return it to its true home, where it may float as the representative of progress and freedom; who will visit prompt and adequate penalty upon him who insulted the emblem of a virtuous and Christian people.

When our banner rises over soil where it ought to wave, let it be maintained and defended if it requires all the strength, all the money, and all the blood of our land. But it must not be used for evil. So to do is to desecrate it.

Mr. President, do our friends who speak thus of the continued support of our flag wherever and for whatsoever raised remember that when Mr. Foster communicated with Mr. Stevens, the Hawaiian minister, on the 14th of February, 1893 — and we know that Mr. Foster was an ardent annexationist; and we know that Mr. Stevens was an annexationist of annexationists, and we know that the Administration then in authority sympathized with the idea of annexation — do Senators remember that when Mr. Foster communicated to Mr. Stevens, after the *coup d'etat* which resulted in the change of authority, he said:

> So far as your course accords to the *de facto* sovereign Government the material co-operation of the United States for the maintenance of good order and protection of life and property from apprehended disorders, it is commended; but so far as it may appear to overstep that limit by setting the authority of the United States above that of the Hawaiian Government in the capacity of protector, or to impair the independent sovereignty of that Government by substituting the flag and power of the United States, it is disavowed.

Here, Senators, is a declaration, not of Mr. Cleveland or of Mr. Gresham, not of any of those who, succeeding the Harrison Administration, sought to overturn and negative the conduct of that Administration, but here was the declaration of Mr. Foster, in which he disavowed the action of Mr. Stevens in the phraseology which I have just read. Let us recollect that.

This is not the place, it seems to me, wherein to allude to the necessity of maintaining the flag wherever it may be hoisted. This capital ought to be near the abode of justice. I trust we are not in barbarous days. If an officer of the United States plays the part of a usurper, does his illicit conduct bind this country? The United States ought to be the last of nations to sanction crimes committed under assumed powers untruly alleged to have been lawfully bestowed.

When Senators state that they will never favor the withdrawal of our power from any locality where, in the midst of war or as the result of criminality or assumption, we may have taken possession and lifted our ensign, they make a broad assertion; and when that statement is uttered in this Chamber, when it is made in this presence, it suggests a situation that extends far beyond Hawaii and to which we had well give heed. The doctrine contended for by some is almost piratical.

Mr. President, it has been asserted by gentlemen who declare that they are opposed to the annexation of the Philippines or the Carolines, or any other lands, that we need the Sandwich Islands. In the next breath we find either the same advocates or those upon the same side of this issue declaring that the result of this war is to be the acquisition of a number of distant and remote countries and the presentation of new questions for our consideration. Then may we not wait in thought, not only because of the intrinsic difficulties concerning which we must decide regarding Hawaii, but because of the bearing elsewhere? I shall discuss the subject, then, not only in connection with Hawaii and not merely with reference to the situation so far as that country is concerned, but also as to the bearing of her disposition upon other matters.

Is it not true, Senators, that intelligence and capability for wise discernment and judicial decision are necessary for the perpetuity of the Republic; that the greatest amount of intellectual development that we can evolve means advanced and desirable results? Do we not justly think that the interposition of alien and inferior races must work our injury? As we look upon the present situation and observe not only this case, but its adjuncts, and those things which must follow it, we may well hesitate and give heed to the admonitions of the past.

It has often been asserted that our policy has always been in favor of Hawaiian annexation. We are told that our ablest men have ever looked upon that island community as virtually belonging to the United States, or occupying such a status, at least, that we must finally take possession. Mr. President, I can not read history thus. It will be necessary for me to refer to several statesmen, and in as brief and terse a way as I am capable of expressing my thoughts I will mention some of the utterances of historic characters which seem to bear upon the subject. Mr. Madison said:

> A second observation to be made is that the immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable; and to add to them such other States as may arise in their own bosoms, or in their neighborhoods, which we can not doubt to be equally practicable. The arrangements that may be necessary for those angles and fractions of our territory which lie on our northwestern frontier must be left to those whom further discoveries and experience will render more equal to the task. — *The Federalist,* Hamilton's edition, page 134.

Washington, to whom I trust I may be permitted to refer without censure, said:

> Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interests, guided by our justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? * * * Taking care always to keep ourselves by suitable establishments on a respectably defensive posture, we may safely trust to temporary alliances for extraordinary emergencies. 13 *Washington's Works,* pages 317, 318.

In the same document the Father of his Country referred to the interests of Europe as being "a very remote relation."

Mr. Jefferson said in a communication addressed to the President in 1823:

> I have ever deemed it fundamental for the United States never to take active part in the quarrels of Europe. Their political interests are entirely distinct from ours; their mutual dealings, their balance of power, their complicated alliances, their forms and principles of government are all foreign to ours. They are nations of eternal war. All their energies are expended in the destruction of the labor, property and lives of their people. On our part, never had a people so favorable a chance of trying the opposite system of peace and fraternity with mankind and the direction of all our means and faculties to the purposes of improvement instead of destruction.—7 *Jefferson's Works,* page 288.

April 27, 1809, Mr. Jefferson, in writing to Mr. Madison in reference to the situation in Cuba, said in language already quoted:

> It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.—*Jefferson's Works,* page 443; 1 *Wharton's International Law,* page 557.

Secretary Frelinghuysen, in a note to Mr. Langston, dated June 20, 1883, says:

> The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial domain beyond seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific.

He also wrote to the same minister:

> A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions. Even as simple coaling stations, such territorial acquisitions would involve responsibility beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

Mr. Wharton, in referring to the purchase of Florida, states that the argument chiefly pressed by John Quincy Adams, then Secretary of State, when advocating the treaty, was one of contiguity.

Mr. Monroe stated the doctrine which bears his name, and to which I shall later advert, and in the same message in which he enunciated that remarkable proposition he said:

> It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness, nor can anyone believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

And if I may be allowed to state in the shortest possible words the Monroe doctrine, it is this:

> In the wars of the European powers in matters relating to themselves we have never taken any part nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened and impartial observers. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.—2 *Richardson's Messages and Documents, etc.*, page 218; 1 *Wharton's International Law*, page 273.

Mr. President, in the mad race of conquest which appears to be upon us in the effort to acquire dominion, and this assertion of what is called "the new doctrine" by lately developed statesmen, there is much involved. Let us halt a moment; let us reflect a minute upon this doctrine of Monroe. It is idle for Senators to say that there is no issue involved regarding foreign acquisition, especially in the face of the contention urged here within the last twenty-four hours. It is idle in the face of the general argument quite commonly urged by those who favor annexation that we must extend our dominion all over the world.

Where is the strength and where is the power of the Monroe doctrine? We have declared that on this hemisphere we desired no further interference by European powers, while we explicitly disclaimed any intention of interfering with those powers in their then possessions here. Plainly it was in the contemplation of Mr. Monroe and those who acted with him that there was no intention, no design, to assault or question the possessions of other nations outside of this hemisphere. Yet it is common knowledge this moment that the doctrine of Monroe, like the Farewell Address of Washington, is, in the annexation view, ancient, effete, out of date, can not meet the exigencies of the times, and does not supply the statesmanship of the nineteenth century.

Mr. President, this is not a deliberate sentiment. Much of it follows from unfortunate conditions antagonistic to proper examination. Not long ago, in the presence of a threatened war, a large majority of the Senate recorded their adhesion to resolutions worded as follows:

> Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* First. That the people of the Island of Cuba are, and of right ought to be, free and independent.
>
> Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
>
> Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry these resolutions into effect.
>
> Fourth—

I call the attention of the Senate to this statement—

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Yet, Mr. President, men high in public station, and not strangers to this presence, have not hesitated to aver that these war resolutions are meaningless and that we must proceed to take possession of the enemy's territory as conquerors.

Are we prepared to overturn the precedents written in our country's history up to the date of the passage of the resolution—April 20, 1898? It can not be successfully disputed that the annexation of Hawaii will constitute the entering wedge for an imperialistic policy as foreign to the purposes and views entertained when this Government was organized as are the objects and theories of the most despotic government upon the earth strangers to our system.

I have called attention not only to the radical nature of this change, but to its suddenness. How, then, can it be considered inappropriate to dwell with care upon this threatened change? Do we know so much more than those who have gone before us? We have electric lights, perhaps, where earlier Americans used tallow candles, and many of those productions and conveniences which we are wont to call the blessings of life are around us in rich profusion; but in all that involves deep reflection upon the rights of humanity, upon the theories of free government with reference to all of the temptations, the passions of life, the failings and shortcomings of men, concerning the propriety of constitutional limitations and a clear demarking of power there is little to be gained. Our so-called wisdom has come to us from the past.

The philosophers of antiquity wrote lessons which we read today with profit, and to which succeeding ages and students have contributed but little. The men who fashioned our system did not do so in moments of passion, in an insane race for wealth, for territory, for acquisition. They were not forming any corporations or syndicates to control franchises or to usurp popular rights; they were not planning to introduce an alien race that they might bring down the price of labor, or to interject new theories into a social system evolved from patient toil. They moved forward without doubt, convinced of their personal rectitude and careless of punishment for the doing of duty.

They knew their grievances. Their knowledge was accurate; their information thorough. Modern juveniles in statecraft are babies at their shrines. They risked their all to rid themselves of encroachment; they knew evils from which their efforts have absolved us. The perils into which we are in danger of plunging were sought to be avoided in their governmental plan. They had studied the problems of self-control, and brought to bear upon this intricacy intellects as reliable surely as any here; and if they were not disinterested, their interest was for the people, with whom they stood, of whom they were, and for the Republic with whose destinies their lives, their properties, and their sacred honors were inseparably linked.

Before we divorce ourselves from these alliances and enter upon new, and for us untried, fields, let us reflect. "Untried fields" for us, I have said, but not "untried fields" elsewhere. The story of man is polluted with the stains of the arrogance of those who rose to power by virtue and frugality and descended to vice from that weakness which has existed from Adam to this instant and is blended with humanity. The rewards of patient honesty are many, and after they have been reaped how often in every generation has man's folly compassed his fall. The brilliant, the remorseless tyrant was once perhaps solicitous for moderate competency. The prosperous have often yielded to temptation. The Fourth of July approaches. Are we to speak of love of man, of the rights of man, or of title derived from the sword? These are old subjects. From generation to generation they throng history.

I will resume the citation of authority.

Mr. Webster has been often cited as favoring the annexation of the Hawaiian Islands. The authority of Mr. Webster is directly the other way. In the sixth volume of his works, pages 463-464, we find the following:

> It can not but be in conformity with the interests and wishes of the Government and the people of the United States that this community, thus existing in the midst of a vast expanse of ocean, should be respected and all its rights strictly and conscientiously regarded, and this must also be the true interest of all other commercial states.
>
> Far remote from the dominions of European powers, its growth and prosperity as an independent State may yet be in a high degree useful to all whose trade is extended to those regions, while its near approach to this continent and the intercourse which American vessels have with it, such vessels constituting five-sixths of all which annually visit it, could not but create dissatisfaction on the part of the United States at any attempt by another power, should such attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native Government. Considering, therefore, that the United States possesses so large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control, over the Hawaiian Government, but is content with its independent existence and anxiously wishes for its security and prosperity.

Again referring to Mr. Webster, I wish to cite from a letter written by him on the 19th of December, 1842, to be found 6 Webster's Works, 478, in which he says:

> The United States therefore are more interested in the fate of the islands and of their Government than any other nation can be; and this consideration induces the President to be quite willing to declare as the sense of the Government of the United States that the Government of the Sandwich Islands ought to be respected, that no power ought either to take possession of the islands as a conquest or for purposes of colonization, and that no power ought to seek therein undue control over the existing Government or any exclusive privileges or preferences with it in matters of commerce.

There can be no stronger language than that which I have read from this distinguished statesman. He remarked that we desired no peculiar advantages, no exclusive dominancy. He said that we were content with Hawaii's independent existence, and further asseverated that no power ought to seek undue control in island affairs. He went so far as to say that there should not be any exclusive privileges or preferences as to matters of commerce.

Never did Mr. Webster write a word to indicate that he had changed his mind. Taking this doctrine, which has often been referred to by annexationists, is there any difference in the position assumed by Mr. Webster and that which is taken here by those who antagonize annexation? In 1894 we warned the world that no one should interfere. Mr. President, before I close this discussion I trust I may be able to show that all of the talk about the intervention of other powers is a mere creation of the imaginations of some who entertain the notion in good faith and many who circulate the canard for the purpose of influencing the minds of Senators and leading them to suppose that foreigners are about to absorb the entire Hawaiian group.

THE COALING BUGABOO.

Here I wish to give expression to a thought that may deserve some amplification. If there be any question as to the character of our relations with the prospective Hawaiian coaling station called Pearl Harbor, or if there be any doubt as to our title, is there any difficulty in amending and changing the present compact, if it needs any alteration, so as to remove all doubt?

Has there been any effort to do that? Has there been any attempt to cure any defect in the grant, if there is such defect? Has there been any effort to do ought else than to put the Hawaiian Islands in such a situation as to make it as nearly necessary as possible to annex them? Have not the struggles of those in authority in this Administration been to bring about annexation regardless of coaling necessities, and have not our present diplomats utterly failed to enter into any negotiations to remove the supposed difficulties of which they themselves complain regarding coal? The coal proposition, like the Presidential-seizure proposition, is a mere bugaboo jointly created by the Dole and the present American administrations.

FURTHER PRECEDENTS.

Attention is sometimes directed to Mr. Webster's letter to Mr. Rives, which, it is stated, shows a change in his opinion. It is found in 1 Wharton's International Law, page 419. He says:

> The United States, true to its treaty obligations, has in no case interfered with the Hawaiian Government for the purpose of opposing the course of its own independent conduct or of dictating to it any particular line of policy. In acknowledging the independence of the islands and of the Government established over them it was not seeking to promote any peculiar object of its own. * * * This Government still desires to see the nationality of the Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased.

Afterwards, in a letter forwarded by Mr. Webster, as Secretary of State, to Mr. Severence, July 14, 1851 (1 Wharton's International Law, page 420), he said:

> The enunciation of this policy will not surprise the Governments of Europe nor be thought to be unreasonable by the nations of the civilized world; and that policy is that while the Government of the United States itself, faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands, manifestly unjust and derogatory and inconsistent with a *bona fide* intention, shall be enforced against that Government. * * *

Mr. Legare, who was Secretary of State in 1843, wrote to Mr. Everett (1 Wharton's International Law, page 418):

> The Hawaiian Islands bear such a peculiar relation to ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent their falling by conquest into the hands of one of the great powers of Europe.

This reference is also frequently cited, as is also that of Mr. Clayton, as Secretary of State, to Mr. Rives, dated July 5, 1850, where he declared:

> We do not ourselves covet sovereignty over them [the Hawaiian Islands]. We would be content that they should remain under their present rulers, who, we believe, are disposed to be just and impartial in their dealings with all nations.

And in writing to the same minister, Mr. Webster said (June 19, 1851):

> If, therefore, it should not be too late, it is hoped that you will make such representations upon the subject to the minister of foreign affairs of France as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, etc.—1 *Wharton's International Law,* page 419.

President Tyler, in speaking of the Texas case, said:

> The Government and people of the United States have never evinced, nor do they feel, any desire to interfere in public questions not affecting the relations existing between the States of the American Continent. * * * If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries.—4 *Richardson's Messages, etc.,* page 326.

Mr. Fillmore, in his second annual message, December 1, 1851 (5 Richardson's Messages, etc., page 120), says:

> It is earnestly to be hoped that the differences which have for some time past been pending between the Government of the French Republic and that of the Sandwich Islands may be peaceably and durably adjusted so as to secure the independence of those islands. * * *

Mr. Fillmore continues, in explanation of the interest which this Government has in the Hawaiian group, and proceeds:

> We were also influenced by a desire that those islands should not pass under the control of any other great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations.

Here again it is manifest that our policy was not annexation; that the only end and main object we had in view was absolute independence, not only for our own benefit, but because we deemed that the commerce of all nations was entitled to look upon the Government of Hawaii as absolutely free, unfettered, and independent.

President Taylor took up the same question in his first annual message, December 4, 1849 (5 Richardson's Messages, etc., page 17). He said:

> We desire that the islands may maintain their independence and that other nations should concur with us in this sentiment. We could in no event be indifferent to their passing under the dominion of any other power. The principal commercial states have in this a common interest, and it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

Here again it is plain that the Executives of whom I have made mention and the Secretaries of State whom I have quoted and the other statesmen upon whose words I have sought to comment claimed, asserted, and demanded that there should be no interposition by any other power, and that the Hawaiian Islands must remain free and independent, enjoying their liberties not only for their own benefit, but for the advantage of commerce. Our wishes in this regard have ever been conclusive on the world.

We announced through President Fillmore that we were not seeking to augment our territory, but merely demanded that others like ourselves should keep their hands off. The idea of the acquisition of territory by conquest and the forcible introduction into this Republic of other races was a stranger to the state papers of the United States and to the proceedings of Congress until within a very few days. Yet those of us who object to the committal of the United States to the monstrous fallacy now enthusiastically advocated here are denounced in unmeasured terms — not yet, however, by persons familiar with their country or her system, but by those who are happy because of ignorance of their own peculiarities.

NO FOREIGN INTERFERENCE—ENGLAND, FRANCE, JAPAN.

It is of interest in this connection to note that although there has been unauthorized interference with Hawaii on the part of English and French officers, both of those nations disavowed the misconduct, and this disavowal was couched in the most positive and satisfactory terms.

Mr. President, without perhaps intending that it should be so, the Committee on Foreign Relations in their report have referred to the attempt of other nations to obtain possession of the Hawaiian Islands, and we have had more than one statement not only of present perils but of dangers which in times bygone encompassed those islands. A consultation of the record is conclusive that while there was, as I have said, momentary trouble, and while there was intrusion, there was never any justification by the parent Government either in the case of England or in the case of France, and both of these great nations, in the solemn form of a treaty, absolved themselves from such intention.

Mr. Fox, in a letter to Mr. Upshur, dated June 25, 1843, said:

> I am directed by the Earl of Aberdeen to state to you, for the information of the Government of the United States, that the occupation of the Sandwich Islands was an act entirely unauthorized by Her Majesty's Government, and that with the least practicable delay due inquiry will be made into the proceedings which led to it.—*Foreign Relations of the United States, Appendix 2, Affairs in Hawaii,* page 115.

Mr. Upshur, in another communication to Mr. Fox, of date July 5, 1843, says:

> Seeking to establish no undue advantages in the Sandwich Islands for citizens of the United States at the expense of other powers, the President receives with much pleasure the assurance contained in Mr. Fox's note that none such are sought for Great Britain, etc. (Page 117.)

Here, Mr. President, observe the peculiarity of this phraseology. Our Government, in noting with pleasure the disclaimer of the Earl of Aberdeen, proceeded to avow that we did not seek to assert any undue advantage in the Hawaiian Islands. Is this an annexation claim?

Mr. Rives, in writing to Mr. Webster, October 30, 1851, from Paris, referred to a call made by him upon the representative of the French Government, in which the latter stated—

> That the French Government had never had the slightest intention of pursuing any measures toward the Sandwich Islands inconsistent with a just respect of their independence; that, after the receipt of the letter I had addressed to the minister of foreign affairs in July last, Monsieur de Sartiges had been instructed to give you the fullest and most formal assurances to that effect. * * * He alluded also to the circumstance that the United States had been invited to become a party to the convention concluded between France and England in 1843 for mutually respecting the independence of the Sandwich Islands, but the invitation had been declined, a circumstance which, he thought, should protect France from the suspicion of having improper designs upon the independence of the islands.—*Idem,* page 105.

As further evidencing the disposition of France and England to let Hawaii alone, those Governments, upon the refusal of the United

States to enter into any joint declaration regarding the matter, concluded an agreement between themselves on the 28th of November, 1843, whereby it was announced that—

> Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty, the King of the French, taking into consideration the existence in the Sandwich Islands of a Government capable of providing for the regularity of its relations with foreign nations, have thought it right to engage reciprocally to consider the Sandwich Islands as an independent State and never to take possession, either directly or under a title of protectorate, or under any other form, of any part of the territory of which they are composed.—*Foreign Relations,* Appendix 2, page 64, 1894.

Now, Mr. President, here is an explicit and never disavowed compact, entered into in the broad light of civilization by these two great nations, whereby they explicitly and in direct terms declare that they will not interfere with Hawaii, and here are the communications, which I have repeated, by which the proper representatives most satisfactorily denied any responsibility for the acts of those who attempted to meddle with Hawaii.

The views of Mr. Marcy upon annexation have been often relied on by those who favor that consummation, and it may not be amiss to quote briefly from them. In a letter written by him to Mr. Gregg December 22, 1853, he says:

> While we do not intend to attempt the exercise of any exclusive control over them [the Hawaiian Islands], we are resolved that no other power or state will exact any political or commercial privileges from them which we are not permitted to enjoy, far less to establish any protectorate over them.—1 *Whar. Int. Law,* 421.

On the 16th day of December, 1853, he wrote to Mr. Mason thus:

> It seems to be inevitable that they [the Hawaiian Islands] must come under the control of this Government, and it would be but reasonable and fair that these powers [England and France] should acquiesce in such a disposition of them, provided the transference was effected by fair means.—1 *Whar. Int. Law,* 422; Appendix 2, page 106.

Later on, April 4, 1854, he says, in a letter to Mr. Gregg:

> It was foreseen that at some period not far distant such a change would take place and the Hawaiian Islands would come under the protectorate of or be transferred to some foreign power. You were informed that it was not the policy of the United States to accelerate such a change; but if in the course of events it became unavoidable, this Government would much prefer to acquire the sovereignty of these islands for the United States rather than to see it transferred to any other power.—*Foreign Relations United States* Appendix 2, page 121.

At the date referred to it was feared that foreign intervention would certainly occur, and the situation was regarded as extremely exigent. It is somewhat amusing to note that Mr. Gregg stated that—

> A flood of emigration would pour in from California the moment our flag was raised, sufficient to put a check upon all future British and French pretensions.—*Foreign Relations United States,* Appendix 2, page 125.

Mr. President, there is nothing to prevent a "flood of emigration" going to the islands now if they are really so desirable. They have a Government, we are told (I confess I doubt the statement), which is an admirable one, which is administered upon all the broad lines of freedom and right, and yet there is no remarkable emigration, for reasons which can be very readily surmised.

In the first place, it will not be difficult to show that the population now contained in the Hawaiian Islands subsist not in consequence of any of that sort of employment, either agricultural or otherwise, which is inviting to the labor interests of the United States; that sugar and coffee and other productions are raised because of the character of labor, the cheapness of the labor, and the necessity for the employment of low-priced people.

Mr. Gregg, on September 15, 1854, in writing to Mr. Marcy, states that he "insisted upon the immediate signature of the treaty." (Republished in Foreign Relations United States, Appendix 2, page 126, 1894.)

On the same page Mr. Gregg, who seems to have in some respects resembled the late Mr. Stevens, remarked:

> The moment our flag was raised a flood of emigration from California would pour in, sufficient, at least, to make the islands thoroughly American and to secure an equitable and fair arrangement if the terms of the present treaty are deemed unsatisfactory.—*Idem.*

The proposed treaty with the King of the Sandwich Islands commenced with the recital:

> His Majesty the King of the Hawaiian Islands, being convinced that plans have been and still are on foot hostile to his sovereignty and to the peace of his kingdom, which His Majesty is without power to resist, etc.—*Foreign Relations United States,* Appendix 2, page 127.

Article 2 of this proposed treaty declares that the kingdom shall be incorporated into the American Union as a State, etc. (*Idem.*)

The proposed treaty was never ratified. Kamehameha III died on December 15, 1854.

Mr. Gregg, on the 29th of December, 1854, in a letter to Mr. Marcy, stated:

> From information which has recently come to my knowledge, I am inclined to entertain the opinion that the present head of the Government will be disposed to preserve, if possible, the separate independence of the Hawaiian Islands.—*Idem,* page 132.

At this point it may be well to reflect that Kamehameha III was obviously induced to make the proposition to resign his crown because of his fear of foreign attack. His son and successor did not seem disposed to do so.

All of these years, Mr. President, have come and gone, and no attack has been made. There has never been a moment from that day to this when there has been any intrusion which has had behind it the sanction of any Government on earth. There has never been a time in the history of the Hawaiian Islands when they were as absolutely safe from the interference of any power as they are at this moment. No one wants them; no one threatens them. They are free from all dangers—more secure than ever.

In this connection I call the attention of the Senate to a statement contained in the report of the Committee on Foreign Relations, with which I have no doubt Senators are familiar. Referring to the condition of our relations with Japan, I have never thought that the views of the distinguished members of that committee upon this subject have had any support in reason, and the publication before the world of that report, with its ill-founded reference to Japan, brought out a protest, of which, I think, I have a copy, which I believe to be accurate, and as I deem it exceedingly important in this connection, I will ask that it be read at the desk.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the Secretary will read it.

The SECRETARY read as follows:

On the 16th of last March Hon. C. K. DAVIS introduced a joint resolution, from the Committee on Foreign Relations of the Senate, providing for the annexation of Hawaii to the United States, and submitted in support of the resolution a report signed by seven members of the committee. This report disclosed the fact that the gentlemen who signed it have conceived certain serious misapprehensions regarding Japan's attitude toward Hawaii. The following extracts will serve as illustrations of this statement:

"Japan," says the report, "has openly protested against the annexation of Hawaii to the United States upon grounds which indicate an unjust suspicion of our national honor in our future dealing with her subjects in those islands. The blunt refusal of the President to consider this protest caused Japan to make a formal withdrawal of it," etc.

The members of the Committee on Foreign Relations must, as a matter of course, be familiar with all the details of the correspondence which passed between the United States and Japan in regard to the annexation of Hawaii. Bearing this in mind, it is surprising to find in their report such a statement as that above quoted. The reasons underlying Japan's protest were fully and frankly stated in the correspondence, but nothing was said in that connection which bore even the faintest semblance of suspicion of the good faith or the good will of the United States. On the contrary, all the representations made on behalf of Japan were carefully guarded by assurances of complete confidence in the friendly intentions of the United States, and those assurances were cordially reciprocated.

But from the Japanese standpoint the friendship of the two countries, however close and cordial, could not be regarded as the factor which would decide the effects of annexation upon the interests of Japan. The question was one of fact and not of sentiment; and the result was notably dependent upon the circumstance that the situation which had been created in Hawaii by the treaties between that country and Japan, and by the laws in force, must necessarily be changed by the application of United States laws. Of those laws in themselves, Japan had no complaint to make; her relations with the United States are harmoniously conducted under them. Her objection was based upon the injurious effects which her Government believed the sudden and in some measure unexpected change in existing conditions in Hawaii would have upon her interests and the interests of her people in the islands.

The United States did not agree with this view, but the discussion was conducted in a spirit of frank friendliness which gave no cause for offense and left no semblance of bad feeling on either side. Therefore the statement that Japan was actuated by an "unjust suspicion" of American national honor finds no warrant in what actually occurred, and does grave injustice, moreover, to a nation which has always maintained unusually cordial relations with the United States. To add also that the President's refusal to consider the respectful protest of a friendly Government was "blunt" implies a lack of ordinary courtesy which happily the facts of the case do not confirm.

The cause assigned by the report for Japan's protest is, in effect, the hope ascribed to the Government of Japan that the Japanese in Hawaii will gain control of affairs there by means of an indiscriminate use of the electoral franchise. Alluding to the protest, the report proceeds to state that "this diplomatic intervention can not be dissociated from its real predicate, which is the demand made by Japan upon the Republic of Hawaii, which has not been withdrawn, that her subjects in Hawaii shall have equal privileges with the natives in voting at elections and in holding offices." And, in another place, "The immigrants from Japan retain their allegiance to that Empire, and yet they claim full political rights in Hawaii, notwithstanding their alienage. In this demand they have the undisguised encouragement of the Japanese Government. These privileges are demanded as rights."

These statements are based upon a complete misapprehension of the facts. Several years ago there was some discussion between the Japanese and the Hawaiian Governments concerning the exercise of the electoral franchise by Japanese in Hawaii, but no demand was ever made on behalf of Japan that her people should enjoy any other or greater privileges in this regard than were accorded to aliens in general under the constitution and laws of Hawaii. The Japanese Government never hesitated to admit that everything which that constitution and those laws established as a condition precedent to the assumption of Hawaiian citizenship by other aliens was of necessity binding upon Japanese subjects. All that it asked was equality before the law; all that it protested against was discrimination.

The correspondence on the subject clearly shows that from Japan's point of view the matter was important only in so far as it involved a question of principle. In no manner did it imply the hope or expectation that Japanese subjects would gain control of Hawaiian political affairs. That charge has been made before and has been proved to be baseless. At best it rests upon a mere surmise, which finds no support either in the actions of Japan or in the course of affairs in Hawaii. So far from having been the pivotal motive of the protest against annexation, as the report of the committee would seem to indicate, the official explanation of that protest shows that it had no place among the considerations urged by Japan.

The report further states that "of these subjects of Japan in Hawaii the larger number were soldiers in the war with China, and are still subject to the military orders of the Emperor." This is a mistake. Possibly some of these Japanese served as soldiers in the war with China, but the majority of them could not have done so. Even if the statement were correct, however, it is difficult to see what bearing it can have upon the Hawaiian situation. In Japan, as in some European countries, there is a general conscription law under which every able-bodied male, not exempt for causes defined by the law, must serve at some time or another in the army.

But after such service the conscript ceases to be a soldier and returns to the pursuits of civil life. Some of the advocates of annexation, without taking this fact into consideration, have gone so far as to allege that the Japanese Government was flooding the islands with soldiers in the peaceful guise of laborers. The absurdity of this statement has been demonstrated, among others, by no less a person than President Dole. In two interviews published by authority, during his recent visit to this country, he stated that the Japanese immigrants were not soldiers; that some of them had doubtless served in the army under the conscription law of Japan, but that this circumstance did not occasion any anxiety in Hawaii.

Commenting upon the pending controversy between Japan and Hawaii concerning immigration, the report makes the following statement:

"Almost the entire number of Japanese in Hawaii are coolies, who are brought there under the authority of the two Governments, and were to return to Japan at the end of their term of service. They claim the right to remain in Hawaii under a general treaty which applied only to such persons as came for temporary or permanent residence as voluntary immigrants. This claim was disputed by Hawaii and there is still trouble over it. Under such circumstances the presence and constant inflow of Japanese in great number is an evil which threatens the native people with the loss of their means of living and the whole country with the overflow of paganism. It also threatens the overthrow of the Republic and the destruction of the lives and property of the Republicans through an insurrection or combination of the lower classes of natives, who are for the most part adherents of royalty and are under the control of the kahunas, who are sorcerers, with the Japanese."

The Japanese immigrants, to whom reference is made in this paragraph, are those who emigrate to Hawaii under the stipulations of the convention of 1886. The Hon. Henry E. Cooper, Hawaiian minister for foreign affairs, in his report to President Dole for the biennial period ending December 31, 1897, describes the negotiations which led to the conclusion of that convention. As he correctly states, their inception was due to the efforts of the Hawaiian Government to secure labor from Japan. "The experience of those who had to deal with the labor problem at that time" (1883), he says, "was to the effect that the large preponderance of Chinese on the plantations would likely prove a disturbing element. In order to offset this, it was thought wise to secure laborers from Japan. Negotiations were accordingly opened, which resulted in the signing of the convention of 1886."

The negotiations, it will be perceived, extended over three years. This was due to the fact that the Japanese Government was reluctant to permit anything like "coolie" emigration. The convention was especially framed to overcome this difficulty, care being taken to safeguard the welfare of the emigrants and to remove from the whole project the odium which justly attaches to that form of semi-servile labor. The emigrants were, as a rule, small farmers and agricultural laborers, selected from among those who freely volunteered to go to Hawaii. After arriving in that country they were in some sense the wards of the Government, their status being distinctly different from that of contract laborers brought to the islands under private auspices. Nor did their residence in the islands necessarily terminate with the fulfillment of their contracts. They were free to renew those contracts, to return home, or to remain, as some have done, without contracts.

There has never been any dispute between the two Governments on any of these points, and there is at present no "trouble" concerning them. On the contrary, the Hawaiian planters are anxious to have these people remain when their contracts expire, and the Hawaiian Government has never offered any objection to their doing so. The pending controversy between the two Governments regarding immigration involves an entirely different question. As far back as 1893, when the question of annexation was first mooted, the Hawaiian Government began casting about for means of obtaining labor for the sugar plantations under a system not involving labor contracts, which, it was thought, were prejudicial to the success of annexation.

Various plans were proposed, and some experiments were tried, among others the importation of Portuguese. But none of these quite met the demands of the situation, and consequently, with the apparent approval of the Government, voluntary immigration from Japan was instituted. Immigration under the convention of 1886 practically ceased thereafter, although the convention still remained in force. The voluntary immigrants supplied the demand for labor and continued freely to come, until suddenly in the spring of 1887, without previous notice of any kind, several shiploads of these people, 1,174 persons in all, were denied the right of landing in Hawaii and were compelled to return to Japan under circumstances which subjected them to grave hardship.

It was to this action that the Japanese Government took exception, and this alone caused the claim for indemnification which is still pending. In this connection it is interesting to note that although one of the reasons for the expulsion of these voluntary immigrants was the openly expressed apprehension that the islands would be flooded with Japanese, for whose labor there was no demand and whose presence was deemed detrimental to the best interests of Hawaii, since then more than 2,000 laborers have been brought there under the convention, with the express sanction of the Hawaiian Government.

While on this branch of the subject it is in place to note that the committee asserts in another part of the report that the United States owes to Americans in Hawaii and to the native population "the duty of rescuing them from the silent but rapid invasion of the pagan races from Asia," which "is concerted and is far more dangerous to Hawaii than if it came on ships of war for the avowed purpose of subjugating the Hawaiian Islands," being "the stealthy approach of a 'destruction that wasteth at noonday.'"

Aside from rhetorical purpose, it is difficult to determine precisely what meaning these statements are intended to convey. Surely not that the Japanese Government is craftily plotting the overthrow of the Hawaiian Government by a "concerted" movement of its people upon the islands. Aside from the inherent improbability of such a proposition, the facts of the case warrant a very different and a much more reasonable conclusion. The great majority of the Japanese in Hawaii have gone there solely in response to the demand for their services. They have gone because Hawaiian employers needed them and because the Hawaiian Government recognized the necessity of their presence.

If the native population of Hawaii had sufficed for the purposes of the planters and other employers, there would be very few Japanese in the islands. It can not be successfully maintained, therefore, that their presence has interfered with the prosperity or the welfare of the natives. On the other hand, it can easily be demonstrated that their labor in the past has aided materially in the development of Hawaiian resources and has added largely to American wealth in the islands. In like manner it can be proved that without that labor in the future, or some substitute which has not yet been discovered, the continued prosperity of the agricultural interests of Hawaii is problematical.

It can also be safely asserted that the Japanese people in Hawaii are industrious and law abiding, and that they will compare favorably with persons from the like condition of life in other countries. President Dole stated this to be the fact in the interviews already alluded to, and other intelligent and influential residents of the islands have expressed the same opinion, and yet the committee alleges that they "are not trustworthy as laborers nor honest in their dealings with merchants." Mr. Thurston, on the other hand, in the document which the committee appends to its report, asserts that "individually the Chinese and Japanese in Hawaii are industrious, peaceable citizens." This latter, it may be said without fear of successful contradiction, will be found to be the consensus of authoritative, well-informed opinion on the subject.

Throughout the report under review the thought, already noticed, appears first in one form and then in another, that there is danger to Hawaii from an uprising among the Japanese, through concerted design, instigated and supported, it is openly hinted, by Japanese authority. Without pausing to comment upon the undeserved stigma thus cast upon the honor and good faith of the Japanese Government, it may be asserted most emphatically that there is nothing either in past or in current events in Hawaii to justify such a belief. During all the troubles which occurred when the monarchy was overthrown, and during all the vicissitudes which beset the new Government, the Japanese in Hawaii made no hostile demonstration and gave no trouble of any kind whatever.

Subsequently they pursued the same course, even at a time when the Hawaian Government appeared to be treating a number of their countrymen with unmerited harshness. At no time has there been anything like a sign of union between them and the lower order of Hawaiian natives, such as the Committee on Foreign Relations refer to, and at no time have they given the slightest pretext for apprehension. They have shown no wish, as the committee states, "to participate in government," nor are they in any wise under the control or direction of "managers set over them in authority by the Government agents in Japan." There are no such managers, unless overseers are meant, and these are appointed by the employers.

The committee makes another grave error when it asserts that "the policy of Japan toward Hawaii will become aggressive and determined so soon as the United States refuses to annex the islands, and makes the return to monarchy possible." This statement embodies a charge which the Japanese Government some time ago took occasion to refute in the most authoritative manner. In the correspondence concerning annexation the Japanese minister made the following statement regarding a similar assertion:

"With reference to the mischievous suggestion or report, which has been so industriously circulated in this country and elsewhere, that Japan has designs against the integrity or sovereignty of Hawaii, I am further instructed by the Imperial Government to state most emphatically and unequivocally that Japan has not now and never had such designs or designs of any kind whatever against Hawaii."

In response to this declaration the Secretary of State made the following reply:

"So far as you [the Japanese minister] take occasion to deny what you aptly call 'the mischievous suggestion or report' that Japan has designs against the integrity or sovereignty of Hawaii, I am glad to assure you that such denial was entirely unnecessary, inasmuch as this Government has not doubted and can not for an instant doubt the sincerity and friendliness of Japan in all that concerns her relation to the United States and the Hawaiian Islands."

These extracts form only a part of the assurances which were exchanged between the two Governments on this point. They utterly preclude the idea that Japan will ever adopt anything like an "aggressive" policy toward Hawaii, since the adoption of such a policy would be tantamount to a species of bad faith of which Japan has never been guilty. The statement of the Committee on Foreign Relations is, therefore, wholly conjectural, and finds no justification in the past or present relations of Japan and Hawaii. As was stated in the correspondence already referred to, "Japan has absolutely no designs of any kind whatever inimical to Hawaii, and no motive in her dealing with that country except to secure by legitimate means the due observance of just obligations."

Before the reading was concluded,

Mr. MORGAN. I should like to interpolate just there in that report my protest that no foreign minister has the right to send to this Senate in any form whatever a criticism upon a report of a committee of this body.

Mr. WHITE. He has not sent it here. I have brought it here and make the criticism as my own.

Mr. MORGAN. How does the paper appear here? Is it official?

Mr. WHITE. I have presented the paper here. It has been nearly read, and I ask that the reading be continued as part of my remarks. I think that it is apposite and relevant to the statements made by the Committee on Foreign Relations, which I am challenging and criticising, as I have a right to do, and which I shall continue to do for awhile.

Mr. MORGAN. I wish to ask the Senator from California if this is an official paper?

Mr. WHITE. All I have to say about it I have said about it.

Mr. MORGAN. I do not know whether it is an official paper or not. I only inquire for information.

Mr. WHITE. I have nothing to add to what I have already said, except that I wish to have the reading completed.

Mr. MORGAN. I wish to say that if it is an official paper from a foreign minister—

Mr. WHITE. It is not. I never spoke to the minister or had any communication with him.

Mr. MORGAN. If it is an official paper, it is a very serious and very outrageous assault upon this Senate and a committee of the Senate to have him send a paper here or to have it brought here in any way criticising the action of the Senate. It is clearly to deny to us the right of free speech and holding us accountable in another place for words uttered in debate or uttered in the progress of proceedings in this body. I have just noticed it, and I enter my protest against it and I wish the Senate to understand it.

The VICE-PRESIDENT. The Secretary will read the remainder of the paper. There are only four lines left.

The Secretary resumed and concluded the reading of the paper as above given.

Mr. WHITE. Mr. President, there is nothing astonishing about this paper, nor is it any infringement upon the rights of a Senator, nor calling a Senator in question, as the technical expression is used, for anything that he may have said. I am calling the members of the Foreign Relations Committee in question in so far as the logic of their report is concerned. There is nothing personal about it. I am discussing them, as I have a right to do.

Nobody has a higher regard for the attainments of every member of that great committee than have I, but I have the privilege, I presume, to differ from them in this or upon any matter. This protest is no novelty; it has been advertised all over the country for weeks, and I have availed myself of a privilege, common not only to a citizen of the United States but of the world, to present and employ it. If it is not a copy of an authentic document, the argument is good, very good; I will adopt it. I can not certify to it, and I do not propose to do so. Still I will use it.

Mr. MORGAN. If the Senator will allow me to interrupt him, I do not object to the Senator using or adopting any argument which he thinks is pertinent or relevant, or to make use of any material which he sees proper under any circumstances in debate on this floor. What I was objecting to, Mr. President, was what I consider to be the wrong of the Department of State in receiving such a paper as that from the minister of Japan, if it is an official paper, and I rose to inquire whether it was or not. I have never seen or heard of the paper before.

Mr. WHITE. I can not state to the Senator whether it was ever certified by anybody. I have been told that such a document has been presented and filed, but I do not know that it has been.

Mr. MORGAN. Filed with the Secretary of State?

Mr. WHITE. I have heard so, but I do not know; I have not seen it on file, and I have not my information from the Secretary of State. I have availed myself of public channels and utilized an argument which I think shows a great deal of sound sense.

Mr. MORGAN. I am not complaining of the Senator from California using anything he pleases in argument. What I complain of —and it is a just complaint—is that the Secretary of State should permit such a paper as that to be filed in his office as a state paper, a paper in which an open criticism is made upon the Senate of the United States and one of its committees, and in which there is imputed to them, as I caught the reading of it, ignorance, and perhaps worse—prevarication, as I understood it.

We have had here recently, within the last three or four years, several instances of very flagrant outrage upon the Senate of the United States in just such a way as this. The Senate will remember that at one time, when we were discussing here the Nicaraguan Canal bill, a foreign minister injected into this body, through the Assistant Secretary of State, a diatribe against the members of the Senate who were conducting that legislation upon a bill which had been pending before the Senate—a long argument of a very incisive, not to say unjust and outrageous, character against the bill and against the action the Senate had taken, or was proposing to take, and I had to put in then a protest against it.

Prior to that time, in a session of the Senate, there was brought into this body, through diplomatic action, the opinions of the British minister upon the question of the Bering Sea matter, in which there was an arraignment not only of the Senate and the House of Representatives but of political parties in this country, and a direct appeal from the Congress of the United States to the people of the United States, made in this state paper brought into the Senate.

I only mention, Mr. President, that we have come upon times when the other departments of this Government seem to have no regard at all for the rights of the Senate or of the House of Representatives in matters of this kind. The time was, in the days of Mr.

Webster and General Jackson, and Mr. Jefferson also, that when foreign ministers undertook to make criticisms upon messages of Presidents of the United States, and also upon the proceedings in Congress, they were not only silenced for it, but they were dismissed from this court on that account.

The Senator from California is perfectly at liberty, so far as I am concerned, to use this or any other paper. My inquiry was not addressed to his right or the propriety of the Senator doing it—not in the slightest degree—but it was addressed only to the point that the Secretary of State ought not to allow a paper of that kind to find its way into the archives of the State Department as an official document.

Mr. WHITE. Mr. President, I have no right to speak for the Secretary of State. I have had no communication with the Secretary of State or any Assistant Secretary of State or any official of the State Department regarding this matter. I have not—

Mr. SPOONER. I suspect, if the Senator will permit me, that there is no very good foundation for the statement that the Secretary of State has been guilty of any indiscretion in this matter.

Mr. WHITE. I was about to say that.

Mr. SPOONER. I doubt very much the propriety—although I make the suggestion with very great reluctance and deference—of the sort of comment which the Senator from Alabama has indulged in in open session.

Mr. MORGAN. What particular part of my comment does the Senator object to? I shall be pleased to have him quote it.

Mr. SPOONER. Oh, let it go.

Mr. MORGAN. No; I will not let it go at all. I want the Senator to quote the particular part of my comment that he objects to.

Mr. SPOONER. I will have it written out.

Mr. MORGAN. No. sir; the Senator will not find it in the Record.

Mr. SPOONER. I thought the Senator was commenting upon the propriety of such a criticism by a foreign minister upon the report of a committee of this body.

Mr. MORGAN. That is exactly what I was commenting upon.

Mr. SPOONER. I am entitled to my opinion—which is very likely wrong—that such a comment perhaps had better be made in executive session.

Mr. MORGAN. No, Mr. President, not when the paper itself is brought out in open session of the Senate. The first time I heard it was when it was read here just now.

Mr. SPOONER. I did not know that it was read.

Mr. MORGAN. It was read here.

Mr. SPOONER. I understand it was published in a newspaper.

Mr. MORGAN. I do not know about a newspaper, whether this came from a newspaper or from the archives of the State Department, or from the Japanese legation, or where it is from; and the Senator from California [Mr. White] does not inform us, and I have no right to ask him, and do not ask him. The paper is here purporting to be a statement made by a foreign minister; and being such a paper as that, I have the right to say that, however it may have gotten here, that minister has no right to make any such comment as he has made upon the proceedings in this Senate, and if he made it through the public prints or made it in a communication to the State Department, or if he made it to the Senator from California with a view of its being brought here as a criticism upon the conduct of a committee of this body, he is entirely outside of the privileges and outside of the ordinary decorum of a foreign minister, and he deserves a rebuke for it.

I for one, sir, will not let this matter rest just where it is, not because of its effect upon this case at all—not at all—but because I have the right as a Senator and a member of that committee to bring in question this abuse, as I conceive it to be a very gross one, of the privileges of a committee of this body.

Mr. SPOONER. Mr. President, I would not for a moment quarrel with the attitude of the Senator from Alabama if it is definitely determined and ascertained that this is a document which is official and has been filed with the Department of State. I do not know that that is true, and the Senator does not know that that is true. That was the entire point of my suggestion. I quite agree with the Senator that no representative of a foreign Government should be permitted in open, in this way, in disregard of the conventionalities of intercourse between this Government and other Governments, to criticise eithor of the bodies, or the committees of either of the bodies. I have no question or dispute with the Senator about that.

Mr. WHITE. Mr. President, it appears that the document is not certified to—I am not in a position to say that it was ever certified to—by the Japanese minister. I stated once—but in view of the last statement of the Senator from Alabama I may be indulged in a repetition of the statement—that I am not acquainted with the minister from Japan and am not, as I should be, to any extent familiar with the legation or its members; but if I were a minister from Japan and had seen this report of the Committee on Foreign Relations I would have thought very much as that document or paper expresses itself. At all events, it is a criticism which I adopt.

Mr. President, in this same connection it is not unimportant to consider the attitude of Japan; it is entirely germane to this discussion; and, with due deference, it is my judgment that the Committee on Foreign Relations ought not to attack foreign Governments unless there is some absolutely plain reason justifying such assault.

I have in my hand an article which, like the unsigned paper, I did not obtain from the office of the Secretary of State or from any other official. There is in Harper's Magazine for November, 1897, an interesting article signed by Mr. Hoshi, who I understand to be the Japanese minister. There is much of it which refers to subjects that are not pertinent to this discussion, though very entertaining from various standpoints, but there is a part of the publication which applies to the issue before us, and I wish to have the same read and made a part of my remarks.

The SECRETARY read as follows:

> Japan is so new as a factor in the world's calculations, so little studied, and so little understood, that her motives and her actions are sometimes seriously misconstrued. This is a topic upon which I must speak with due caution, but even at the risk of seeming impropriety I can not allow the opportunity to pass of saying a word upon subjects which have lately been attracting widespread attention.

No citizen of this country should be ignorant of the fact that among the people of Japan there is a genuine and deeply rooted attachment to the United States. It is not a merely sentimental liking, but a feeling founded upon the memory of many kindnesses received. The United States has been a friend to Japan, helpful in the hour of need, considerate at all times. If there was a nation upon whose sympathy they could rely in the effort to improve their condition, and of whose appreciation they were certain in whatever successes they might gain, that nation, the Japanese people have thought, was the United States. Such being the case, the tone of many recent utterances in the American press will be to them like an angry blow from a friend.

That the American people should regard Japan as an aggressor, lustful of aggrandizement, eager to quarrel, and ready, if need be, for war, will seem to them incomprehensible. And that this clamor should have arisen because their Government, in pursuance of clear and legitimate duty, has chosen to present, in a respectful, calm, and moderate way, certain reasons why a certain thing should not be done will add to the mystery. There are jingoes in Japan, as a distinguished countryman of mine said the other day, but I have heard of none so forgetful of right, of friendship, and of interest as to make the declaration recently attributed to Japan by a prominent American journal, "Let us send a few warships to the United States."

This is a delicate subject, I know, but I can not refrain from saying that Americans especially should appreciate the solicitude which Japan feels in the welfare of her subjects in foreign countries. The Japanese Government has never permitted the establishment of anything like a "cooley" system among her people. If they go abroad, it desires that they shall go as men, and not as numbers, and it asks and expects for them the same treatment and the same protection as are accorded to other strangers. Whatever may be said to the contrary, the Japanese are not an emigrating people; but, to provide for all contingencies, an emigration law has been enacted, carefully framed, to protect the emigrant and to prevent him from going to countries where he would not be welcome.

Japanese emigration to Hawaii involves this, among other questions. That emigration was instituted upon the solicitation of Hawaii under the strictly guarded stipulations of a special treaty. The welfare, much less the independence, of Hawaii has never been endangered by the operations of that treaty. On the contrary, Japanese immigration was zealously promoted and encouraged in the islands until political contingencies rendered another policy advisable. Japan did not seek the treaty, but her people have been induced to resort to Hawaii under the guaranties it provides, and certainly no one with any sense of justice can now blame her for endeavoring to conserve their rights.

Touching upon another, yet a cognate subject, it may be said most emphatically that the Japanese nation has no tendency toward territorial aggrandizement. Neither in the past history of the Empire nor in its modern annals can there be found any trace of such a spirit. Formosa was taken from China, but that was in lieu of indemnity which it was inconvenient for China to pay; besides, the status of Formosa as an appendage of China has not always been strictly maintained. At one time the Japanese, Chinese, and Dutch simultaneously occupied different parts of the island. More recently Japan sent an expedition thither, with the consent of China, as was supposed, to punish the savages for their cruelty to shipwrecked seamen.

Historically, therefore, there were close relations between Japan and Formosa. The most conclusive reason, however, in favor of the cession of the island is that by geographical position it is a natural addition to the Empire. The cession of the Liao-tung peninsula is the only other instance of the forcible acquisition of territory by Japan. The peninsula was returned to China, and although the return excited some popular disapproval, it was not so much on account of the loss of territory as because of the manner of retrocession. I repeat, therefore, that history affords no example of greed of territorial aggrandizement on the part of Japan. It is as foreign to the genius of her people as it is to the designs of her Government. The charge that she intends, either by forcible seizure or by peaceful occupation, to acquire possession of a country thousands of miles distant and totally without the sphere of her territorial influence, can therefore only be accounted for in one of two ways: It is either prompted by ignorance or by interested motives.

Japan's real ambition lies in quite another direction. In her geographical

> position, her natural resources, as well as in the capacity and adaptability of her people, she perceives the surest means of attaining national greatness. The watchwords of the Japan of today are enterprise and industry. The people have turned their attention to commerce, to manufactures, and to the arts. They realize the advantages their country possesses, and are doing what they can to utilize them. They may not yet have reached the full measure of their ambition, but they look forward hopefully to the time when Japan will be the emporium of the Orient, firmly bound to her neighbors, east and west, by the strong ties of mutual interest.

Mr. WHITE. I have called attention to these declarations for the purpose of showing the attitude taken by leading Japanese with relation to Hawaii, and as containing a fair and clear expression entirely at variance with the assumed hostility which it is sought to charge upon the Japanese nation with reference to our course in the Pacific. I shall have occasion, no doubt, to call the attention of the Senate to several happenings in Hawaii bearing upon this topic, and to the fact that the presence of a labor element not considered either homogeneous or desirable by our people is occasioned not by any means solely because of the will of Japan, nor because of legislation antedating the establishment of the Republic, but since then contract laborers have not only been imported, but their number has been materially augmented.

It may not be out of place to say that although when some 800 ordinary immigrants from Japan were about to be landed a dispute arose and they were excluded, nevertheless since then more than 2000 contract laborers have been admitted by the Hawaiian board of immigration. These recent importations are far less desirable than those who have been denied entrance. Hence the Hawaiian Government—the best on earth, as we are told by annexationists—has permitted and is permitting the importation of a class against which they and their friends are ostensibly protesting.

But, Mr. President, we see that the theory upon which the great men whose views I have attempted to cite was based regarding Hawaii is not infringed upon or interfered with by anything that is happening today. Their constant and unalterable, continued and universal, statement was that we would not suffer the islands to pass into hostile hands, but that we were anxious for their freedom and the maintenance there of an independent Government.

Senators may say that the sentiments of the Japanese Government as mentioned by me are of late date, and that that nation did formerly entertain different views. I do not think so. But, occupying her vantage ground, the American Republic contemplates all the world, and at this hour finds no people willing to dispute her oft-expressed edict that Hawaii must be free.

Those who are attempting to grant Hawaii to us find it to their interest to insist that there is danger of foreign interference. But this is not true. No proof has been adduced. Mere assertion in such a case must be unavailing to warrant important action.

Mr. President, there is scarcely a break in the line of authority upon this subject, and the occasional expression in favor of annexation is uniformly predicated upon the fear that some other power may intervene. Never did any statesmen assert that if the Hawaiian Islands were capable of maintaining their own Government, whether a Republic or such other form of rule as they might elect, we should interfere.

Mr. Marcy, on January 31, 1855, made this most positive declaration. In writing to Mr. Gregg he said that the policy of the United States was—

> Not to accelerate or urge on any important change in the Government of that country, but if it has or should become so far enfeebled that it can not be continued, and the sovereignty of the islands must be transferred to another power, then a state of things will exist in which it will be proper for the United States to have a regard for the future condition of that country.—*Idem,* page 133.

In the same letter Mr. Marcy declares that the draft of the treaty was not satisfactory, that the President believed that strong objections to the immediate incorporation of the islands as a State existed, and that there were other objections; that the amounts to be paid as annuities, etc., were too large, and that the treaty, deviating in many particulars from the terms suggested by the United States, was not acceptable.

This about concluded the incident as far as Mr. Marcy was concerned, and while he did attempt to bring about annexation, it will be observed, whatever the fact may have been, that he professed throughout the entire negotiations that we should accept Hawaii in order to escape European domination. But the experience of forty-odd years shows conclusively that there never was any danger of foreign interference that could not be promptly checked by the declaration of the intention of the United States.

Heretofore the mere announcement of its policy through the Executive has been adequate, even though the situation looked serious. Now it is proposed to add to the warnings heretofore given a joint resolution which will manifest the views of all departments of the Government, and which will plainly notify the world that the United States does not wish this independent Government interfered with. Such a resolution is pending, having been introduced by myself.

Why such warning will not be effective now, when we are much stronger than formerly and far better able to cope with important questions, is more than I can conceive.

Mr. McBride, the representative of this Government at Honolulu in 1863, was an ardent annexationist, and the main purpose which seemed to animate him was the protection of the Americans on the islands by annexation. He represented, in addition to the other attractions which might be found on the islands, that a deputation which had been sent by the British Government to report upon the cotton-growing industry made a report which was said to be favorable; and he continues:

> The cotton-growing capacity of these islands has been sufficiently tested to demonstrate it as a fact that it is not at all inferior to Alabama, Georgia, or Mississippi, either as to quality or quantity per acre.—*Foreign Relations United States,* Appendix 2, pages 135-136.

He also refers to the coffee industry, which he says is propitious.

On the 5th of February, 1864, the Secretary of State reported that an application had been made for the revival of a treaty which had been negotiated during the Administration of President Pierce, but which was not approved by the Senate. Says the Secretary:

> After due consideration, however, especially in connection with the probable effect of such a measure on the public revenue at this juncture, it is not

deemed advisable further to entertain the subject.—*Foreign Relations United States,* Appendix 2, page 136.

In acknowledging the receipt of Mr. McBride's note Secretary Seward made no definite statement as to the policy of the Government. The fears of Mr. McBride regarding the British invasion turned out to be purely visionary.

Mr. McCook, under date of September 3, 1866, refers to the fact that many of the American residents have rendered themselves obnoxious to the King and his cabinet by unwarranted interference, etc., in the political affairs of the Kingdom. He also says:

> Another class of Americans, the missionaries, have controlled the political affairs of the country since 1820. They are dissatisfied because within the last few years they have lost their hold upon the Government and its offices. The first class of Americans are generally disappointed adventurers; the second class are religionists, who, having once exercised supreme power in church and state, feel all the bitterness of disappointment at seeing their political power pass into other hands, and knowing that the native population is beginning to listen to a religion preached from other pulpits than their own, etc.—*Foreign Relations United States,* Appendix 2, page 138.

Mr. McCook expressed the opinion that a test would find the people of the islands "demanding, by votes freely expressed, annexation to the United States."

In a letter from Secretary Seward to Mr. McCook, dated September 12, 1867 (Foreign Relations United States, Appendix 2, page 143), there are expressions showing that Secretary Seward preferred "a lawful and peaceable annexation of the islands to the United States with the consent of the people of the Sandwich Islands." Those are the terms in which the Secretary framed his sentiments.

Afterwards, July 5, 1868, Mr. Seward, in communicating with Mr. Spalding, said, and his letter is quite interesting:

> SIR: Your letter of the 14th of April has been received and carefully read. The information which you give of the excitement which is prevailing in Honolulu in regard to the annexation of the Sandwich Islands is very interesting. You suggest a system of proceeding here with reference to that object which could not possibly, at the present time, obtain the sanction of any department of this Government.
>
> Without going into an explanation of the causes for the condition of national sentiment which temporarily exists, it is enough to say that the public attention sensibly continues to be fastened upon the domestic questions which have grown out of the late Civil War. The public mind refuses to dismiss these questions, even so far as to entertain the higher but more remote questions of national extension and aggrandizement. The periodical Presidential and Congressional elections are approaching. Each of the political parties seems to suppose that economy and retrenchment will be prevailing considerations in that election, and the leaders of each party, therefore, seem to shrink from every suggestion which may involve any new national enterprise, and especially any foreign one.
>
> How long sentiments of this sort may control the proceedings of the Government is uncertain, but in the meantime it will be well for you not to allow extravagant expectations of sympathy between the United States and the friends of annexation in the islands to influence your own conduct. You will continue, however, to write me upon the subject freely, as you have hitherto done.—*Foreign Relations United States,* Appendix 2, page 144.

From this it appears that Mr. Spalding was probably engaged in a revolutionary scheme which Secretary Seward promptly disposed of. Whatever ideas Seward may have entertained favoring annexation in 1867, he changed his mind later on, as this correspondence witnesses.

Much has been said with reference to the message of President Johnson of December 9, 1868, in which he said:

> A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.—*Foreign Relations United States,* Appendix 2, page 146.

Care was always taken by the officials until very recently to note that the acquiescence of the people was necessary. And while perhaps this matter may be further on elaborated, we must not forget the distinction attempted to be drawn by the Committee on Foreign Relations when they say that we can only deal with a Government; that every people act through and by a Government, and that we can not otherwise hold official intercourse.

Mr. President, in the case of the annexation of Texas there was registered a free and untrammeled vote favoring annexation; and in every word that was written or spoken upon that issue there was evinced a determination to act in accordance with the will of the people of Texas. I grant, as a legal proposition conclusive, that in dealing with a foreign power we must treat with the organized Government; but when we propose to annex a nation, to sweep from the family of sovereignties one of its members, we, a Government organized by the people and claiming to exercise our functions pursuant to the will of the people, can not afford to bring within this communion masses of men unwilling to come. Grant that the technical right of alienation exists in a Government which *pro hac vice* may be lawfully empowered so to act, still we have the authority to go behind the mere form. The question within our discretion is, Shall we annex a people not desirous of the affiliation?

Never should this Republic, based upon universal suffrage and dependent for its life and for its existence upon the common acquiescence and support of all its citizens, compel to its membership men who are alien to it in sympathy and feeling, or who wish to remain without it. They are foreign and hope to so remain.

President Johnson also remarked in the same document that the—

> attitude of the United States toward these islands is not very different from that in which they stand toward the West Indies.—*Idem,* page 146.

Mr. Spalding, in a letter which appears in the document and on the page last above cited, says:

> I feel that the desire for annexation is stronger today than it has been at any time since my arrival on the islands, simply because the prospects of the treaty are felt to be almost hopeless and the planters must have relief by annexation.—*Idem,* page 147.

For such relief did these planters then work; for that relief they have since toiled. The relief mentioned took the form some years ago of a virtual bonus or bounty on sugar—or, more correctly, tariff exemptions equivalent to a bounty—indirectly paid to them by the Government of the United States under an existing treaty. Assessments, as I understand, are being levied today upon every ton of sugar produced in the island to forward the interests of annexation. The planters are strong; millions are involved. The treaty may any day be stricken dead either by the hand of legislation or by failure to continue it. Annexation means continued absence of tariff taxation. Hence this struggle.

The situation referred to by Mr. Spalding years ago was evidently similar to that now prevailing. The planters needed relief, viz., exemption from tariff taxation. They were practically looking out for a bounty. The scheme was then, as it is now, utterly selfish.

In another place in the same letter Mr. Spalding says:

> The truth is that so long as there was a chance for receiving the benefits of free trade with the United States and escaping taxation, men who had capital invested here were generally opposed to annexation.—*Idem.*

Thus it comes about that there is very little patriotism connected with this matter, so far as leading annexationists upon the island are concerned. They are looking out for themselves. They are not to be blamed for doing so. They are struggling as many struggle, and as we all struggle more or less in the private walks of life to augment our fortunes and better our conditions. While not censuring them for these interested efforts, while not wondering that they thus exert themselves for their own advantage, yet it behooves us, under the circumstances in which we are placed, to judge of this matter from a wholly different, and, if I may be permitted to say, a loftier standpoint.

The letters of Mr. Pierce to Mr. Fish (Foreign Relations United States, Appendix 2, pages 152-153) show that annexation was simply considered as an alternative in the event that reciprocity could not be accomplished. And it is to be noted that in the first of these communications (February 10, 1873,) Mr. Pierce states that it is expected to succeed in procuring reciprocity—

> By offering to the United States a *quid pro quo,* the cession of the sovereignty and proprietorship of the spacious, landlocked, easily defended harbor or estuary known as Ewa or Pearl River, in this island, 10 miles distant from Honolulu, and also to include the territory surrounding it, say 10 miles square in all.

This was before the treaty was negotiated, and perhaps the statement may be more or less of value in construing the grant in the treaty, which we will do later on.

After this General Schofield was sent to the islands with Colonel Alexander for the purpose of investigating Pearl Harbor.

The opinions of Mr. Blaine were undoubtedly favorable to annexation. His views as to the extension of the domain of the United States are quite well understood, and the theories which were carried out in the Samoan folly failed to prevail as to Hawaii.

Mr. Blaine, in his letter to Mr. Comly of December 1, 1881, declares, in speaking of the islands, that—

> Their fertile resources for the growth of rice and sugar would not only be controlled by American capital, but so profitable a field of labor would attract intelligent workers thither from the United States.—*Foreign Relations of United States,* Appendix 2, page 170.

A statement without anything to support it; and there never will be a day when the coffee planters of the Hawaiian group or the sugar raisers there located will furnish any field for intelligent American labor. It is somewhat singular that Mr. Blaine should have been so ill informed as to American labor. Although the sugar plantations have been under American control for a long time, and while the same may be said of the coffee plantations, American labor has not been attracted thither, and the American laboring man will never work in rice or cane fields.

This may be said to be generally the history of our policy as far as Hawaii is specifically concerned, and from it we glean that the idea of annexation has, as a rule, emanated from the sugar people, and that because American planters needed protection our consular officers have assumed that the whole country must be captured.

The earlier statesmen, and those whose views are most entitled to respect, have not concurred in this theory.

[At this point, without having concluded his speech Mr. WHITE yielded the floor for the day.]

ANNEXATION OF HAWAII

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Wednesday, June 22, Tuesday, July 5, and Wednesday, July 6, 1898.

The Senate having under consideration the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States—

Mr. WHITE said:

Mr. PRESIDENT: I am aware that a full consideration of this interesting subject can not be had if we are to regard those only who are prepared to subject the important to the frivolous—affairs of international moment and permanent policy to local interest and selfish view. Did I not firmly believe that the issues now before us are far-reaching I would not detain the Senate longer.

I attempted yesterday to criticise the pending resolution, not merely as to the merits of the case, but in view of its inherent contradictions and manifest absurdities. I have faith the committee will either withdraw the resolution or certainly alter its form fundamentally.

Mr. President, I endeavored yesterday to enlist the attention of those charged with the duty of knowing something about this subject to the opinion expressed by eminent statesmen who have passed away, and I quoted from them quite liberally. Looking over the reports of the Committee on Foreign Relations here and elsewhere—and the reports made in both bodies of Congress are practically identical, and may, therefore, I suppose, be referred to with indifference—I find it is said that the late Secretary of State, Mr. Sherman, favored annexation.

It is true that he signed a document connected with and accompanying the message of the President of the United States in 1897 which contained the proposed treaty which we were expected to ratify. I do not know whether the Secretary of State examined that message with care, but various circumstances have occurred to indicate that he did not.

However that may be, when he was compiling the work which is called "The Recollections of John Sherman," he not only used, at the close of that book, the phraseology which has been quoted here already in this debate, but he made another declaration, which has not been cited, and which I shall venture to read in a moment.

The following is in Mr. Sherman's works, volume 2, page 1216:

> The events of the future are beyond the vision of mankind, but I hope that our people will be content with internal growth and avoid the complications of foreign acquisitions. Our family of States is already large enough to create embarrassment in the Senate, and a Republic should not hold dependent provinces or possessions. Every new acquisition will create embarrassments. Canada and Mexico as independent Republics will be more valuable

> to the United States than if carved into additional States. The Union already embraces discordant elements enough, without adding others. If my life is prolonged, I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits or to add new dangers by acquisition of foreign territory.

But this is not all, Mr. President. The same distinguished statesman, selected by the present Administration for its Secretary of State, and who entered into the public service on the same day, I believe, that signalized the acceptance of office by the distinguished Senator from Vermont [Mr. MORRILL], this man of wide knowledge, acquired not only in both Houses of the National Legislature but in two Cabinets, again declared, on page 1039 of his book already cited, as follows:

> It is not worth while to follow the line of events that resulted in making Great Britain, Germany and the United States the guardians of these far-distant, half-civilized, mercurial, and combative orientals.

He refers to the Samoan tribes, in which we have a third interest.

> The only interest the United States had in these islands was the possession and ownership of the Bay of Pago Pago, acquired by a treaty in 1878 between the United States and the King of Samoa. The repeated wars on a small scale that have occurred since that time and the complications and expense caused by the tripartite protectorate of the islands furnish another example of the folly of the United States in extending its property rights to lands in a far-distant sea. Our continental position ought to dissuade us from acquiring outside possessions which, in case of war, would cost the United States more to defend than their value.

This, Mr. President, was written by Mr. Sherman when he was a member of this body — written by him deliberately — penned in a work through which he desired to give to posterity not only a statement of his career but an elucidation of his opinions. Since he ceased to be Secretary of State there was published—and I think there has been no denial of the accuracy of the statement—in a prominent newspaper of the United States, on May 16, 1898, the following interview:

> NOT A WAR FOR CONQUEST.
>
> This is not a war for the acquisition of territory. We do not want to increase our territorial lines. It is a war in the interest of humanity and Christianity. We could not blindfold ourselves to the fact that cruelty and oppression existed under our very eyes. The sentiment of Congress—and Congress voices the sentiment of the country—was clearly in favor of war, if need be, to free Cuba from Spanish rule. The President and his Cabinet did all they could to stem the tide, but they failed. Congress was of one mind, and a war with Spain was the result.
>
> When we demanded of Spain that she relinquish her control and domination of her possessions in the Western Hemisphere, we made a demand which was unusual. It is not the custom at this end of the century to formulate a demand upon a foreign power such as we made upon Spain, but we were forced to it. Misrule in Cuba became unbearable, and there was only one thing to do, and that was to demand the freedom of Cuba from Spanish rule. This Congress did.
>
> War having been declared, it becomes the duty of every good citizen to support the Government that it may be able to carry the struggle to a successful conclusion.
>
> As I said before, this is not to be a war of conquest. We do not want territory. We do not want the spoils of war, but we want justice to humanity. If I were in public life, I should oppose to the fullest extent of my ability the retention of any of the Spanish possessions. As I oppose the annexation of

the Hawaiian Islands, I would fight against the annexation of Cuba, the Philippines, or Puerto Rico. If these islands were to become a part of the territory of the United States, we would have everything to lose and nothing to gain. We might easily have secured a coaling station in the islands without assuming sovereignty over them. The same would apply with equal force and effect if we were to take in Cuba and the other Spanish possessions.

THEY WOULD BE A SOURCE OF WEAKNESS.

To my mind there is no reason why we should annex either Cuba, the Philippines, or Hawaii. They would be a source of weakness rather than of strength. Our Navy would have to be largely increased, an increased standing Army would have to be maintained, and we would have under our care a mongrel population, partly uncivilized. There is no reason why we should establish a protectorate over any of these islands.

Mr. President, it will be observed that I have referred to the distinguished statesman from Ohio and have given his estimate of annexation made some time ago in his work, and also his ideas disclosed last month. It would appear that the judgment which he gave to the world in the first instance has been approved by his more mature and latest expression.

The Committee on Foreign Relations tells us by citing from the Presidential message that Mr. Sherman favors annexation. We have, as I have observed, his early protest against it, and the later interview, when he stood unfettered by the courtesies and embarrassments of the office of Secretary of State. His sole motive was then to give to the country the same candid sentiments which are embodied in his "Recollections." Certainly the citation made by the Committee on Foreign Relations is not worthy of very serious consideration.

Thus we have practically a uniform expression upon this subject, extending to this day and debate.

THE HAWAIIAN GROUP — ITS SITUATION.

At this point I will venture to allude to the location of the islands and the possibility of their value to us.

First, I wish to call the attention of the Senate to the situation of the Hawaiian Islands. It is common talk that everyone understands this branch of the controversy thoroughly, and yet I read not long ago a statement made by a prominent judicial officer of California to the effect that the argument urged in this Chamber by the Senator from South Dakota [Mr. PETTIGREW] that Manila was not as far from San Francisco via Unalaska as via Honolulu was unfounded, and even observed that an inspection of any map would sustain his criticism.

Mr. President, this gentleman and others adopting the same argument forget that they reside upon a globe. It is to be supposed that such critics at some time were aware of this fact and are merely suffering from want of memory.

I requested the Superintendent of the Coast and Geodetic Survey to give me a statement of the sailing distance from San Francisco via Honolulu to Manila, and the sailing distance from San Francisco via Unalaska, touching at Yokohama, to the same point, and taking into consideration the deviations necessary to touch at both points. As a result of that inquiry the Superintendent forwarded me the note which I ask may be read.

The SECRETARY read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., June 15, 1898.

SIR: In reply to your letter received yesterday I beg leave to forward the following data.

Computed distances of steamer routes (on great circles and allowance for rounding of capes or islands):

	Nautical miles.
San Francisco (Point Bonita) to Unalaska	2,035
Unalaska to Yokohama (via Cape Mela)	2,550
Yokohama to Manila	1,790
San Francisco to Honolulu	2,083
Honolulu to Manila (via S. Bernardino passage)	4,710

Respectfully yours, HENRY S. PRITCHETT,
Superintendent.

Hon. STEPHEN M. WHITE,
United States Senate, Washington, D. C.

Mr. WHITE. Mr. President, it will be observed, taking these courses as indicated by the Superintendent of the Coast and Geodetic Survey, and which are most favorable to the Honolulu route, that the aggregate distances from San Francisco to Manila are more than 400 miles less with all these deviations via Unalaska and via Yokohama than via Honolulu, and if those who are interested in the matter examine the Philippine group it will be noticed that the route referred to by the Superintendent of the Coast and Geodetic Survey is by the south end of the Island of Luzon, which is not always the course adopted. It is the shorter. So that if we touch at the two points which I have named and make the necessary allowances mentioned in this letter, we still have a difference of about 418 miles in favor of the Unalaska route; and if we make none of these allowances and take the ordinary sailing route, the saving is much more.

Mr. President, there are other things which perhaps are not always thought of by those who consider this subject in a cursory way. I refer to the matter of distances. We often hear it said, and we have heard it remarked here during the last few weeks, that we need the Hawaiian Islands in order to defend the Nicaragua Canal. I am in favor of the construction of the Nicaragua Canal. I need not say that here, for I have publicly and privately, and in every way possible, advocated its building, and am anxious today to forward the intention of the Senator from Alabama [Mr. MORGAN], who presented a measure to the Senate yesterday which I know will meet the support of many of us regarding that very important and most material enterprise.

But if we are anxious to learn anything about this matter, if we really wish to know anything about it, if it is not our purpose to remain in the fog and to avoid knowledge that we may not do too much violence to our prejudices, let us look at the facts. Honolulu is distant from Brito, the western terminus of the proposed canal, 4,210 miles. I have heard it said in debate in this Chamber that Honolulu looks into the mouth of the Nicaragua Canal.

If there were any canal, and if there was any mouth to be looked into, it would be very difficult to make the observation from a point 4,210 miles distant, not only because that distance is somewhat beyond the ordinary capacity of human observation, but also because it is somewhat difficult to gaze through that much of the earth or the ocean (our friends must still remember the form of the earth). But do we need Honolulu to defend the mouth of the canal, 4,210 miles away?

How far is San Francisco from Brito, the western terminus of the Nicaragua Canal? San Francisco is 2,700 miles from Brito. I imagine that no nation will be justified in assuming a difference to be immaterial which consists of 1,510 miles; and if we are to defend the western mouth of the Nicaragua Canal when that canal is constructed, it would be well for us to do so from San Francisco and not from Honolulu, unless indeed we wish to give the enemy an immense advantage.

Again, San Diego is about 500 miles nearer the intended western terminus of the Nicaragua Canal than San Francisco, and thus if we go to San Diego and make that the headquarters of our army of defense, we will have about 2,200 miles to sail as against 4,200 in case of Honolulu. Is that immaterial? Are 2,000 miles of any importance? Still, Mr. President, there are not a few, many of whom conceive themselves peculiarly qualified to seats in this Chamber, who may not know of these distances.

Mr. President, in connection with what I have already said with regard to distances, I wish here to give the figures regarding the distances from Brito via Honolulu to Yokohama:

	Miles.
Brito to Honolulu	4,210
Honolulu to Yokohama	3,445
Distance from Brito to Yokohama	7,655

From Brito to Yokohama via San Francisco the distances are:

	Miles.
Brito to San Francisco	2,700
San Francisco to Yokohama	4,536
Total	7,236

or 419 miles shorter calling at San Francisco on the voyage from Brito to Yokohama than when calling at Honolulu.

Mr. President, if we take into consideration the rotundity of the earth and take the shortest route possible from Brito to Yokohama, that route will be found to be within about 100 miles of the harbor of San Francisco. Now, these are facts which no amount of oratorical effort and no confused statements in confusing reports of any kind and no declaration of Army or Navy officers or other estimable people can change or alter. I am not an expert in military matters, and probably not otherwise, but I have learned in my brief career that experts are not very valuable witnesses.

I have learned that whenever a man becomes a partisan — I care not to what vocation he belongs or whence he comes — his testimony must always be considered in the light of his interests. Indeed, no writer upon the law of evidence, no man who has thought about the effect of testimony or the credibility of mankind, has failed to recognize that the interest and prejudice and the bias of witnesses must affect their testimony. These observations are daily made by the careful court and acted upon by the competent jury.

When an expert, whether a naval or an army expert, whether he belongs to one department or the other, asserts that we need the

Hawaiian Islands in order to defend the Nicaragua Canal, such assertion is unwarranted, for the simple reason that it is much better and easier to defend from San Diego or San Francisco. We have large fortresses at those points. The harbor of San Francisco is quite well defended today, and powerful batteries have recently been put in place at San Diego. Hence, unless we are to erect an island in the sea — and that has not yet been proposed — there is no place in the Pacific Ocean from which we can defend the Nicaragua Canal, but there are places in the State of California from which it may be adequately and thoroughly protected.

Mr. President, we are told that we need the Hawaiian Islands in order to defend the Pacific Coast. Perhaps I ought not to venture to take issue with the naval experts who have so announced; but when they contradict each other, when gentlemen occupying high positions in the Army and Navy of the United States vary in conclusions, we are warranted, perhaps, in examining the subject, for we know that somebody has made a mistake. I have a very high regard for Admiral Belknap and General Schofield; they are able, patriotic, and true. I wish they would not contradict each other so much, for my task would then be much easier. General Schofield paid a visit, as we have already been told, to Honolulu for the purpose of examining into the defenses proposed or suggested at that point. He made his report May 8, 1873, and in referring to the subject of Honolulu harbor, he said:

> There are many other so-called harbors or places for anchorage, but they are mostly open roadsteads, affording shelter only from certain winds, and they are all entirely incapable of being defended by shore batteries. Even the harbor of Honolulu itself can not be defended from the shore. It is a small harbor lying seaward from the land and only protected from the sea by outlying coral reefs.
>
> An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage, as well as the town of Honolulu itself. This harbor would therefore be of no use to us as a harbor of refuge in a war with a powerful maritime nation.

Admiral Belknap was a witness before the Committee on Foreign Relations, and he took up this subject. On page 711 of the report of the Senate Committee on Foreign Relations we find the following:

> The CHAIRMAN. And you also have a general acquaintance with the Bay of Honolulu?
>
> Mr. BELKNAP. Yes; in my judgment Honolulu is one of the easiest defended ports in the world. They talk about ships attacking that harbor. The fact is, they can not do it successfully. A few heavy guns properly located would keep them away.

Here are two distinguished officers, one of the Navy and the other of the Army. One of them tells us that Honolulu Harbor can not be fortified and the other says that it is the easiest place in the world to fortify. Are we to consider these gentlemen experts? No doubt they are experts, but they are like other experts—their testimony must be taken in view of the circumstances surrounding them and their liability to make mistakes. Here are declarations the one directly in the teeth of the other. Can I be blamed if I throw down this testimony and with wearied voice ask for more light? Can we be censured if after this want of harmony we examine the matter for ourselves? When one advises us that the harbor of Honolulu can not be fortified at all so as to repel an enemy, and the other declares it is the easiest place in the world to fortify, we may be pardoned if we cast aside the entire testimony and look at the facts that we may draw our own conclusions.

While there are no more splendid specimens of brave and intelligent manhood in the world than can be found in our Army and our Navy, we can not be dead to the fact that their business is that of war, and we can not be dead to the fact that the greater our Navy, the more bellicose our policy; the more frequently we are involved in just war, the better our soldiers and sailors are pleased. It is not to their discredit. We have educated them to the pursuit of arms that they may defend their Government and conquer her foes. They are well qualified for this work. They are not of peace, and often not for peace. War brings promotion and offers magnificent triumphs.

Now, Mr. President, let us analyze some of the statements made by those who are seeking to expert us into an untried policy.

DO WE REQUIRE HAWAII?—A COALING STATION.

We are informed that we need the Hawaiian Islands, among other reasons, because a coaling station is necessary. Keeping in mind that we already have a coaling station at Pearl Harbor, let us take up the value of the Hawaiian Islands as a matter of defense to our Western coast. Against whom are we to protect ourselves? Are we to fight the British? Some time ago — not very long ago — most belligerent declarations were made every three or four days by some of our friends in this Chamber with reference to the British lion, who was then supposed to be seeking to devour us. Now we are more friendly, but we can not tell when our minds will change. We not only have the right to alter our opinions often, but we do so with great frequency, and now and then under conditions not wholly sustainable.

IS HAWAII IN DANGER?

The English Government does not need the Hawaiian Islands. At Esquimault, close by the State of Washington, Great Britain is possessed of one of the finest fortresses in the world. Her defenses there are almost equal to Gibraltar. There she is right in sight of the smoke of our civilization. She is not compelled to go 2,100 miles from anywhere and be dependent upon a precarious supply of coal and provisions, but she has her coal and her supplies and everything right at our door. Surely she does not wish the Hawaiian group for the purpose of attacking the Pacific Coast.

Who needs it? Hawaii is 3,500 miles from Japan. Does anyone really and sincerely think that Japan intends to engage in war or has the remotest notion of ever engaging in war with this Republic? Her interests are to a great extent ours. She has developed marvelously within the last few years. She has joined in the great procession of progress and has enlisted the sympathies and admiration of all true citizens of the American Republic. Today in our great Eastern shipyard of Philadelphia and in the great Western shipyard of San Francisco there are vessels building by our mechanics for her navy. She has solicited trade with us. Day by day and hour by hour we are advancing our material interests with Japan.

Our cotton, our wheat, and our flour are there finding a ready market. She solicits our assistance. Shall we warn her off when she approaches us with the legitimate profits of traffic? She does not oppose us. Shall we challenge the world and seek to discover an opponent? Are we striving to create hostility and opposition so as to formulate a basis to ostensibly justify us in aggressive conduct?

Japan is and must be our friend. Her development means enlarged opportunity for us. Why drive her away? Why doubt her sincerity? Why question her honor? If her actions toward Hawaii excite doubt, negotiation — friendly, manly negotiation — will solve all. If we are hunting for a quarrel, let us select some nation less anxious for our good will.

Does Germany seek Hawaii? Does France covet Hawaii? France and England have declared in a treaty, as I stated yesterday, made years and years ago, that they did not advise or encourage Hawaiian discord. That treaty consists of a solemn promise of abstention from conquest. There is no nation on the face of the earth challenging the integrity of Hawaii. It is but natural that this should be true. Does any power care to engage in warfare with us in order to possess Hawaii? When we have declared that we will not permit any interference with her freedom, have we grounds for the insinuation that any nation will question our authority or meet us in deadly combat as to a proposition which has received the acquiescence of all men for fifty years?

Mr. President, I would not spend a minute in considering this aspect of the subject were it not that I have heard it asserted here and in other places that there is danger that some one will gobble our coveted islanders. For what purpose can any nation desire the Sandwich Islands? To attack us? Some of our military experts have been lately described by Admiral Belknap at a dinner in Boston, which has probably been noted by Senators here, in a fashion that I might not have ventured to picture them. He described Captain Mahan as a " mere writer of books," and yet Mahan is the leading authority relied upon by annexationists.

But do our military experts really mean what they say when they speak about an enemy attacking us from Hawaii? Some time ago I procured a statement from Chief Engineer Melville with reference to the speed and capacity of the *Oregon* and *San Francisco,* which were selected as types of our vessels, cruisers and battle ships. From that statement, which I have not here in detail, this fact appears:

The battle ship *Oregon,* which, as we know, is one of our best war vessels, can run at forced draft, if there is no accident, and without recoaling, 2,400 knots; at ordinary cruising rates she could travel 5,040 knots. Under forced draft, 16.79 knots per hour, she consumes 253 tons of coal per day, and she can keep this up six days. Under ordinary cruising rates, 10 knots per hour, she consumes 73 tons per day, and can maintain this for twenty-one days. According to a statement made to me later from the department, at the most economical speed her consumption per day would be 69½ tons, at a speed of 10½ knots per hour.

Let us take into consideration the case of a vessel running at forced draft. Suppose that Honolulu were in the possession of an enemy having a battle ship as good as the *Oregon.* War ordinarily means haste. Such a ship making a journey at full speed would have one day's sailing left when she reached our coast. If she proceeded at ordinary cruising rates, she would be able to turn around and get home, and that would be about all. But would any vessel or would any sane individual send a ship abroad to engage in a mortal conflict, and as a matter of choice, unless that ship had the capacity to turn about and come home? No base of supplies 2,100 miles distant is adequate to meet the demands of the modern battle ship or the modern cruiser, and no nation depending upon a base of supplies 2,100 miles away can wage naval warfare in this day and generation.

Mr. HAWLEY. Will the Senator permit me a moment? Have we not just dispatched a fine fleet and large transports a much greater distance than that—to Manila?

Mr. WHITE. Undoubtedly; but does the Senator deny the figures that I am giving? We provide for recoaling these ships; we send transports with them. It is but a little while since it was denied on this floor by annexationists that there could be coaling from transports. Coaling from transports is a subject not depending upon the acquisition of Honolulu or any other place. My proposition is that no base of supplies 2,100 miles away can be utilized by the modern battle ship or the modern cruiser in the warfare of today, and I say it because of the mathematical propositions which I have enunciated here, based upon data derived from the office of the Chief of Engineers of the United States Navy. The argument of annexationists is that Hawaii is so near that it can be used as a base of operations. This I denounce as absurd. If coaling can be done by transports, we can be invaded regardless of our occupancy of Honolulu.

Mr. HAWLEY. Will the Senator pardon me again for a moment? I should like to know how, under his theories, Great Britain gets on with possessions all over the world which she defends with her steamships?

Mr. WHITE. Great Britain, I suppose, has coal near enough to supply the vessels to which the distinguished Senator alludes, wherever she has any contest; but the fact is certain that a vessel designed for cruising by steam power can not be operated without coal, and that if she can not get coal within 2,100 miles she can not afford the risk of combat.

Mr. LINDSAY. I will ask the Senator if Great Britain in any part of the world relies upon a coaling station as far distant from the territories over which she holds control as Honolulu is from the United States?

Mr. WHITE. I think not. But, Mr. President, whatever may be done by Great Britain or by any other power, there are certain facts which no amount of statement or eloquent utterance can elide from this record or destroy as to their effective, conclusive nature. One of them is that if it takes 253 tons of coal a day to operate a battle ship under forced draft, and that battle ship contains only 100 tons of coal, it can not maintain a struggle; and a battle ship sent from Honolulu to our coast and cruising for any considerable time after arriving would become practically a useless hulk tossed about by wind and wave, as noncombatant as a dead whale.

But, Mr. President, this branch of the discussion is really not very material because of the obvious fact, to which I have already adverted, that no enemy intends to take the islands. We are conjuring up a knight errant panoplied for battle and are calling for aid to strike him down. We are hunting dream-created enemies. Visions of serried columns of ships lined for action, flit in our fervid brains. Mighty empires active in preparing to destroy us are born and die in fancy's moments. These are chimeras. No reality threatens us. No nation is hunting for a fight with us on this account, and no nation ever will.

But, Mr. President, we are told that Hawaii would be very valuable for self-defense; that we need the country to defend our Pacific Coast. I am anxious for the welfare and happiness and safety of the entire Union. I am certainly not less so for that great State wherein I reside, where are to be found the closest and most cherished of my associations. But will we make a weak defense stronger by acquiring that which must also be defended? If our coast is not well protected now will we make its protection easier by obtaining an addition that also must be fortified? Is it any answer to say to me, as the experts already referred to declare, that if we had these distant ocean specks no enemy could reach us? Will this claim stand examination? First, we must have the enemy; and secondly, it will be well to consider the value as a defense of a remote point, days away, as a substitute for domestic fortifications.

Consider our position on the Pacific Coast. Harbors, roadsteads, places of embarkation comparatively easy of approach, and hence needing defense. But, Mr. President, if an enemy were about to strike the city of Washington, would we rush to the city of New York in order to get ready to repel him? If the Pacific Coast were threatened by any power (and the only power capable of hurting us is Great Britain), would we not depend upon our domestic and continental fortifications and upon the vessels located near our shores? Would we not have by our side and within easy calling distance means adequate to guard us, all duly armed and prepared for action, with supplies and equipments at hand? With no remote possession to protect, with everything needed and required for our own defense at our door, we can well consider ourselves impregnable if we care for our interests with ordinary solicitude.

Mr. President, will it be easier to defend our Pacific Coast if we have these islands than if we allow them to remain under their present control? In the first place, for many years we have gotten along very well without Honolulu; but if we take possession, we will find ourselves the proprietors of islands extending over more than 400 miles. What must we defend? Are we to defend Honolulu, which we are told by Admiral Belknap is the easiest place in the world to defend, or are we to defend Pearl Harbor, which General Schofield certifies to us is a place very easy to guard? These two harbors are located on the island of Oahu. Is it enough to fortify them only? Admiral Belknap suggests $5,000,000 as an adequate appropriation to make a good defense for Honolulu.

Caring not for the time being as to what it costs, let us suppose that any amount of money necessary is expended to fortify both of those harbors, and that they are impregnable, are there any other places where a hostile force can be landed? Undoubtedly many places. The large island of Oahu, the largest of the group, has several landing places, at two of which, and notably at Hilo, there is adequate facility for the discharging of a cargo. A recently constructed wharf at Hilo, as I am informed, has proved successful. But we must protect the whole group, not only because they are productive, but also because we can not afford to allow our enemy to land anywhere.

Hawaii is the largest island and can not be left to the mercy of the invader.

It follows that if we are to possess Hawaii for defensive purposes, we must make immense investments both for fortifications and navy. If no such outlay is essential, it is only because there is no ground to apprehend foreign interference. But that very circumstance demonstrates the inadequacy and folly of the argument made here that the islands are absolutely vital to our defense.

[At this point the Presiding Officer (Mr. JONES of Arkansas) announced that the hour of 2 o'clock had arrived, and by unanimous consent the consideration of House joint resolution 259 was continued.]

Mr. President, when we consider the remoteness of this group, when we consider the absence of any danger either to the Republic of Hawaii from external causes in the way of foreign interference, when we reflect on the strength of our own location and the facilities that we there may enjoy for local defense, how absurd does it seem to speak of annexation as a part of our policy.

HAWAII AND THE PHILIPPINES.

But we are told that if we are to hold the Philippines we must have Hawaii. In the next breath the same speaker will tell us that he is not in favor of holding the Philippine Islands, but that he is in favor of annexing Hawaii.

I think there are very few Senators who doubt that if we are to engage in the business of foreign acquisition and are to seek domination over the islands of the Pacific and Indian oceans, we might as well start in and take Hawaii. If such is to be our policy, if we are to follow that plan and extend our flag in signification of permanent occupation, I am strenuously opposed to a colonial or imperial policy. Before we take such a step let us definitely understand whither we are drifting. If we are to become filibusters, let it be with our eyes open and in full view of the startling change in our national scheme.

But we are advised that as Admiral Dewey has destroyed the Spanish fleet at Manila, we must have Honolulu in order to send him supplies, and especially coal. Senators declare that the Hawaiian Government has violated the neutrality laws and that they may be disturbed. By whom? Again do we conjure up imaginary dangers. Who is to object?

A few days ago a prominent newspaper enthusiastically advocating annexation declared that Spain would object. I will not speak of our right to procure coal or other contraband. It is unnecessary to dwell upon that proposition. Spain is now engaged in objecting to all our warlike procedure. A protest on the part of Spain we would, perhaps, expect to meet as we met her opposition at Manila. Who else objects? Do any of the supposed hostile nations of the earth who are — in the minds of certain Senators — threatening our possessions object? Have we anyone, any nation, any diplomat, any power, protesting against our conduct? But, assuming for the time being that we are not embarking upon a career of conquest and that we do not intend, except for purposes of indemnity, to hold the Philippine group; assuming for the moment that that is the case, is there any justification for annexing the Hawaiian Islands merely because, for the instant, they may be of assistance to us?

Mr. President, surely we do not intend to absorb a nation or to adopt a new policy merely for the purpose of meeting the exigency of a moment. No, Mr. President, the object and purpose is deeper; the motive is deeper, and it is but illy concealed. It is well known by those who are most earnestly in favor of the plan now outlined that this acquisition will furnish a powerful argument for the continuation of the territorial-expansion idea.

I remarked some time ago, before the present war was declared, and before, perhaps, it was contemplated, that if we took Hawaii, the next thing to happen would be the annexation of other islands nearer the Orient, and when I made that statement someone arose and said that there were no islands that could be annexed, and that there was nothing therefore in my declaration. And yet, earlier than I supposed do I find myself confronted with the condition which I then so truly feared. If we consummate this scheme, it will be urged that we must have the Philippines because Hawaii is not of great value unless in connection with other possessions. We have an interest in the Samoan Islands, and when we have grabbed the Philippines something else will be required; and thus we will finally extend our empire heaven knows where, and will sanction a policy essentially imperialistic.

Mr. President, no one can deny that the possession of remote countries inhabited by numerous barbarians necessitates the exercise of much power and the expenditure of vast money. We are all prepared to and are expending millions in maintenance of the war with Spain. But when peace shall spread her lovely wings over the land, and contention shall have ceased, the efforts of diplomacy will impose a heavy burden in the way of indemnity upon our adversary, probably requiring the possession, at least for a time and by way of security, of oriental lands. Then the Polynesians, Malays, Chinese, Negritos, and semi-orang-outangs will demand our care. A large army and adequate naval force will be requisite. Our soldiers will operate in unhealthful climes, and the American people will be compelled to determine whether the object for which this Union was established can be conserved or maintained if we bring to and within it such peculiar elements.

In a recent article written by the distinguished Senator from Alabama [Mr. Morgan], and to be found in the North American Review under the caption, "What shall we do with the conquered islands?" I find the following:

> The question of greatest difficulty that will be presented for solution by the United States at the close of the war with Spain will be the disposal of the Philippine and the Caroline islands. In respect of all the islands from which Spanish power is expelled by our arms, there is a proper and necessary reservation, to be made at the proper time, of limited areas that will include

> certain bays and harbors that are best adapted to the purposes of military outposts, and for coaling stations and places of refuge for our war ships and other national vessels.

It is clear enough that the programme of expansion is behind this resolution. But do we want the Hawaiian Islands for any purpose except as a coaling station? No military expert or naval expert has intimated that they are essential otherwise than for military uses. No one pretends, or assumes to pretend, that we must defend the entire Hawaiian coast, though I believe that that will be necessary if there is any force in the military argument. But it is urged with great vehemence that we need a coaling station at this point. If so, let us proceed to get a coaling station. Some of us think we have one now.

Let us for a moment examine the provisions of our treaty with Hawaii in reference to that subject. If there is in the existing treaty, as I said yesterday, any defect which can be remedied in any way, why do we not try to remedy it? If we need a coaling station near Honolulu or at Pearl Harbor or anywhere else in the world, why do we not attempt to obtain one? If we require a refuge for our ships in Pearl Harbor, and if there is a technical defect in the grant of that harbor, why do we not by diplomatic effort attempt to remedy that defect? No; we will not remedy it. We will not provide for a coaling station, but we will take the entire group upon the pretext that we need a coaling station at this single point.

Mr. President, would it be difficult to negotiate an alteration of the treaty? With whom would we be compelled to negotiate? We would be compelled to negotiate with the Government over which Mr. Dole presides. Would he be willing to provide for a coaling station at Pearl Harbor with the necessary rights of property for its proper use? Undoubtedly so. Has he been asked? Has there been any effort to negotiate a treaty? When Mr. Dole came to these hospitable shores, and was elaborately entertained by our Government here, did we ever suggest to him that it would be a good thing to arrange for a coaling station?

Mr. President, there has been no movement, we have been advised, looking to the acquisition of any rights with reference to coaling in Pearl Harbor or elsewhere, except the making of the treaty to which I have already adverted, the second article of which is to be found on page 171 of Appendix 2, to which I have already referred, and is as follows:

> His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

Mr. President, this appears to be a very clear grant, but it is urged that because of certain declarations made by Mr. Bayard this explicit and plain phraseology must be construed as limited in its effect to the time during which the other clauses of the treaty are in operation. Some time ago this subject was elaborately debated in this body, and the distinguished Senator from Alabama [Mr. MORGAN] and the then distinguished Senator from Oregon [Mr. DOLPH] argued with great force, it seemed to me, and conclusively, I thought, and think, that this was an absolute grant and did not depend for its efficacy on the existence of the treaty as a whole. It contains unlimited authority. The expression "grant," without other clause to modify it, appears to me to involve an alienation which it is not possible for the grantor to impair.

But, Mr. President, is it for a coaling station that we intend to change the precedents of our history and for the first time to go out into the midst of the deep and seize territory? Is it a coaling station only that you desire? If so, let us acquire, if we have not already acquired, our coaling station, and let the Government of the Hawaiian Islands proceed to work out its destiny, whatever that may be.

Will you tell me, Mr. President, can anyone tell me, that no compact can be made with that so-called Republic? Perhaps so, if the cunning annexation diplomat shall step around to the back door and whisper into President Dole's ear, "Do not agree to it;" but does anyone doubt, if we in good faith enter into a negotiation looking to the perfection of our title, if our title is not good, that we can succeed? Why not? Is it for the interest of the Dole Government to refuse it? No, Mr. President.

Of what does the management of this distant Republic complain? Where is their peril? They claim to fear invasion. Will they therefore refuse to permit us to place at their very doors our armies and our navies, to be utilized in carrying out that policy of freedom from foreign interference upon which we have always successfully insisted?

Mr. FAULKNER. I wish to ask the Senator from California a question for information, if he will permit me.

Mr. WHITE. Certainly.

Mr. FAULKNER. I ask whether the Government of the Hawaiian Islands have ever made a claim that that grant of Pearl Harbor was limited to the existence of the treaty under which it was made?

Mr. WHITE. I do not know that they have. I can not say.

Mr. FRYE. Mr. President, in answer to the Senator from West Virginia [Mr. FAULKNER], I will say that the minister from the Hawaiian Islands at the time the treaty was entered into wrote an inquiry to our Secretary of State, Mr. Bayard, as to whether or not this was a cession. Mr. Bayard's reply was that it was *pari passu* with the treaty, and that if the treaty was abrogated the cession would be abrogated, too.

Mr. WHITE. Mr. President, as a matter of law I believe the cession of Pearl Harbor was complete. In the CONGRESSIONAL RECORD, volume 26, part 7, Fifty-third Congress, second session, July 2, 1894, page 7060, I find the following remarks of Mr. Sherman:

> Mr. SHERMAN. Mr. President, I wish to place before the Senate the exact historical facts with regard to our acquisition of a coaling station in the Hawaiian Islands and the treaty relations we have with those islands. By a convention concluded on the 30th of January, 1875, we stipulated:
>
> "For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty."

Among those articles was sugar, then produced in a comparatively small quantity in the Hawaiian Islands. That treaty, containing reciprocal provisions, was to expire at the end of seven years, at any time on the demand of either Government. At the end of the seven years, when the treaty had expired, an effort was made to extend it seven years longer. That was contested severely in the Senate Chamber, and there was much opposition to the extension of the treaty, because the statistics showed that we had then lost $26,000,000 more than we had gained during the seven years by the free admission into our country of sugar and other articles. Then a new treaty was made, entirely separate and distinct from the old treaty, and that treaty contains this stipulation —

Mr. Dolph. When was that made?

Mr. Sherman. In 1884. It provides:

"Whereas, a convention was concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, concerning commercial reciprocity."

Then follow the recitals about the provisions of the treaty. Then it proceeds:

"The high contracting parties agree that the time fixed for the duration of the said convention shall be definitely extended for a term of seven years from the date of the exchange of ratifications hereof, and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years or at any time thereafter."

When this treaty was before the Senate there was great opposition to it for the reasons I have stated. Therefore, in order to find a consideration to be paid by the Hawaiian Islands to the United States for this enormous bounty, the Senator from Vermont, if I remember correctly, offered this additional consideration; and in my judgment, the second treaty would have been beaten at the time it was pending for the provision he offered. Here is the provision, and here is the absolute grant in perpetuity, according to the legal language of the grant, which gives us these islands for these purposes as one of the considerations for extending the treaty seven years more:

"His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid."

Here is an absolute, unconditional, unqualified grant that has been paid for by $23,000,000 already, and we agreed to extend the term seven years longer. Thus we have given a double consideration for this right. I have no doubt the Senator from Maine [Mr. Frye] will estimate the value of that privilege far more than I, but certainly we have already paid a large sum, and we have agreed to pay another sum equivalent to twenty-five or twenty-six million dollars, and we now possess by virtue of this treaty an exclusive right to enter upon and improve that harbor.

The provisions of the treaty as to the seven years applied only to the admission of articles entered into the several countries named therein, but this special provision was, standing by itself, an absolute and conclusive conveyance so far as one Government can convey to another the absolute and exclusive right in perpetuity to occupy that place for a coaling station and for other naval purposes.

So it seems to me there is nothing in the argument of the honorable Senator from Maine. We have paid, and doubly paid, for that harbor. We own it now; it is now in our possession, and we have the right to improve it.

Mr. President, it will thus be observed that the distinguished Senator, who at that time was chairman of the Committee on Foreign Relations, construed Article II of this treaty as containing an absolute grant, and his view as to the legal effect of that compact was not dissented from by the distinguished Senator from Alabama [Mr. Morgan], for that Senator said:

Now, I will suppose that this bill is passed and the treaty is abrogated. Hawaii is released from all of it that is not obligatory upon her. I believe that Hawaii is not released from that fee-simple title, as I understand it and read it, which is contained in the treaty extension to Pearl Harbor, and which was said here to be the consideration of that extension. Nevertheless, at the time the ratifications of that treaty were exchanged and contemporaneously with it, as a part of the question of the exchange of ratifications, Mr. Carter, who was then minister to the United States from Hawaii, insisted that if the treaty of reciprocity was determined according to its terms, upon giving a year's notice thereupon the Pearl Harbor would revert to Hawaii.

Then, Mr. President, the discussion proceeded, elucidating the statements made by Mr. Bayard, and upon which the contention of the revocability of the treaty depends. Mr. Dolph, then a Senator from Oregon, discussed the issue at considerable length, pointing out, it seems to me conclusively, the impossibility of the claim that Mr. Bayard had any authority by his mere opinion to disturb or modify a contract entered into pursuant to the Constitution. It must, of course, be conceded that there are moral conditions connected with this affair, and that the statements of Mr. Carter and Mr. Bayard might have induced the home Government to take affirmative action in the premises; but whether there be any such difficulty about the matter or not, there is nothing to hinder the making of a supplemental agreement or convention, or an alliance giving us all the rights which we desire in Pearl Harbor, and all desirable coaling privileges.

If we really need a coaling station in the Hawaiian Islands, it does not follow that we need the Hawaiian Islands. If we need a coaling station in China, it does not follow that we need China. Mr. Dole, as the careful conservator of the interests of his people, and the whole Hawaiian people will be glad to have us on hand with our naval and military establishment. They will be pleased to have our guns and other protection to enforce the declaration to which I have already referred, whereby we inhibit interference from without.

Let us have the evidence of any honest effort by anybody to enter into a negotiation to perfect the Pearl Harbor grant, and then I will consider with you whether we must engage in the business of appropriating the entire Hawaiian Republic. I regard it, for reasons already pointed out and for others that might readily be given, as immaterial, but my point is that, granted, for the sake of the argument, that we must have a coaling station, you do for that reason insist upon appropriating the Hawaiian Republic.

Mr. President, we have a coaling station in the Samoan Islands, which we obtained by virtue of the tripartite agreement into which we entered with two monarchic powers, a treaty whereby we agreed to dethrone a King and to place another upon the throne. This Republic entered into that compact, and we are now maintaining and carrying it out. By this peculiar arrangement we obtained a coaling station 4,000 miles from San Francisco.

I do not believe that there has ever been anyone in our Department of State so inefficient that he could not negotiate a proper contract with reference to a coaling station either at Honolulu or at Pearl Harbor — the place to be selected by Admiral Belknap and General Schofield.

If I am right in this regard, the whole annexation job is ended. Personally, I consider that there is no necessity for a coaling station at Hawaii. My belief is that Unalaska and Kiska, in the Aleutian group, furnish more eligible sites. I assume, however, for the time being, that we have use for such a station in the Sandwich Islands, and even upon that basis it is obvious we are not required to assume the duty of governing such a population at such a point.

I have already referred to the coal capacity of modern vessels for the purpose of demonstrating that the Hawaiian Islands can never be made a base of operations against the United States, and also to prove how ridiculous is the assertion that Honolulu and Manila are near enough for naval-aggression purposes.

For this purpose I insert a table furnished by Chief Engineer Melville to the senior Senator from South Dakota [Mr. PETTIGREW]:

Washington, D. C., January 11, 1898.

SIR: Your letter of January 5, 1898, addressed to the Secretary of the Navy, requesting certain information as to the coal capacity and steaming radius of first-class battle ships and cruisers of the first rate, has been referred to this Bureau.

In reply the Bureau transmits the following table, which contains the information desired:

Name.	Type.	Coal-bunker capacity	Steaming radius on this coal at most economic rate.	Steaming radius on this coal at maximum speed with forced draft.
		Tons.	*Knots.*	*Knots.*
Iowa	First-class battle ship	1,790	*6,000	†2,355
Indiana	do	1,550	4,805	†2,671
Massachusetts	do	1,560	4,797	†2,265
Oregon	do	1,540	5,205	‡2,448
Brooklyn	Armored cruiser	1,300	4,342	†1,404
New York	do	1,200	4,486	†1,344
Columbia	Protected cruiser	1,600	*7,000	†1,840
Minneapolis	do	1,520	6,824	†1,565
Olympia	do	1,100	6,105	†1,408

*Estimated.

†From official trial on basis of 2.4 pounds of coal per 1 horsepower.

‡From official trial, actual figures.

Very respectfully, GEORGE MELVILLE,
Engineer in Chief, United States Navy, Chief of Bureau.

Hon. R. F. PETTIGREW,
United States Senate, Washington, D. C.

AS TO THE CLAIM IF WE DO NOT TAKE HAWAII THAT REPUBLIC WILL BE TAKEN BY ANOTHER.

Mr. President, if we should refuse to adopt this resolution then it is threatened Hawaii will go elsewhere. Hawaii is located in the Pacific Ocean, 2,100 miles from the California coast. She can not move her foundations by any process of oratorical legerdemain, and her interests can not be altered in so far as they depend upon her location. As before stated, those interests are with us. When the McKinley act was in force, and when we paid a bounty to our domestic sugar producers and abolished all sugar tariff, there was no discrimination in favor of Hawaii.

The sugar industries in Hawaii languished. She pined for a resuscitation of the advantages of the past, and yet she did not leave us; she did not go to England or to France or to Germany and negotiate a treaty with them. The pretense that a refusal of annexation will induce her to trade elsewhere is, in common parlance, a mere "bluff."

Nature, Mr. President, not the disposition of Mr. Dole and his cabinet or anybody else, incited the Hawaiian people to trade with the United States, and no action that we take here upon this proposition, no action that we may take regarding annexation, can in any way prevent them from continuing to trade with us.

Trade is unfeeling. Men deal in sugar, rice, coffee, and other articles, because they make, or think they make, money by such dealing. The people of Hawaii do not send their goods, wares, and merchandise to California, or to any other part of the United States, merely because they are fond of our people, but they send them to us and trade with us because they find it is to their interest to do so. We have the market, and they will continue to deal with us regardless of the fate of this resolution, just as they dealt with us when the McKinley law was in force, and notwithstanding its provisions and regardless of our tariff, which yielded them no advantage. Clearly there is nothing in this contention.

THE PRETENSE THAT WE CAN NOT WARN OTHER NATIONS AWAY IF WE REFUSE TO ACCEPT HAWAII.

We are informed that we can not consistently announce to other nations, "You shall not interfere with Hawaii," when we decline annexation. Why not? Did we not often make such a declaration, when at the same time our Presidents and our Secretaries of State declared that we did not intend to assert control; that all we desired was that Hawaii should be preserved to the impartial trade of the world?

When we told Great Britain at the time of unauthorized interference by one of her officers; when we told France when a similar transaction was happening, that we would not brook their interference—and that was many years ago—we did not threaten or intimate annexation. Nevertheless, we dictated foreign abstention, and our wishes have been ever respected. And we today assume and have a right to assume the power to repeat this same thing. Have we no right to warn away other nations unless we see fit to take the islands ourselves? Are the islands upon the block offered to the highest bidder for cash? Must we bid or submit to foreign ownership?

I repeat that in my judgment no nation wants Hawaii; but at all events there is no country which will demur to our positive announcement that there shall be no foreign aggression. There is no inconsistency, no impropriety in warning away other nations, although we do not take the country ourselves. The strength of our position consists in our avoidance of conquest. Must we obliterate the Hawaiian Republic? Must we annex and take to ourselves that territory in order to justify our claim of noninterference from abroad? If so, the history that we have made for fifty years has been ill made; and, if so, we have had no right to do that which the world has admitted and conceded for half a century was our right to do. Surely there is absolutely nothing in this part of the argument of the other side.

THE LABOR QUESTION.

Mr. President, all sorts of statements have been made to induce the public to favor this acquisition. Among other suggestions is the assertion that there will be a great field for labor in the Hawaiian Islands. I stated upon another occasion that if such a magnificent chance for the laboring man existed it was somewhat singular that he had never discovered that his Mecca was there located. The truth of it is that there is no opportunity for the white man, the intelligent American laboring man, or the negro in the Hawaiian Islands. Of course there may be an occasional carpenter employed, a few mechanics, a limited number of superintendents of coffee plantations and sugar industries, but speaking of the labor of the islands, as referring to a large and material class of men, there is nothing for those of our toilers who wish for better things.

Mr. President, I wish to call the attention of some of my Republican friends to the remarkable effect of the policies which they seem to some extent to be outlining. They have asserted and claimed in many a forum and have received credit in many a place for the declaration that they have guarded and cared for the laboring interests of the United States. They have referred to the high wages paid in our factories, the large salaries which skilled mechanics have obtained, and have designated this elevation of the working class as their greatest achievement.

The policy, Senators, which you are now initiating and the channel into which you seek to compel us to drift will lead us inevitably to this result, that the pauper labor, the servile labor, the cooley labor of the Orient will be brought into competition with that which you have often declared it to be your policy to defend. This first step, whereby you introduce within the boundaries of our Government some 50,000 orientals, is but a premonition of that other and more disastrous movement which will swell the aggregate of ignorance to millions and millions. When you obtain all the land upon which you look with covetous eye, you will likewise add a population destructive of wages and inimical to civilization.

Mr. President, some years ago in the State of California and throughout the entire West there was a movement against Chinese labor, and it had behind it the greatest merit. We saw our people threatened by an oriental invasion. We knew that the Chinese possessed sufficient ability and sufficient knowledge of our conditions to find it profitable to engage in competition here. We learned that there could be no intelligence or competent American citizenship in an element struggling for 10 cents per day. We legislated in the most drastic manner, and have, to a large extent, kept them from our shores.

We passed acts of Congress having that object in view and were charged with violating treaty rights. We finally reduced the number of Mongolians in the United States to about 100,000. Now we are to bring in between twenty and thirty thousand Chinamen by this measure. True, the joint resolution reciting the language of the treaty attempts to keep the Chinamen in Hawaii. I doubt whether under a treaty we can enter into a compact of that sort, but I am clear that we can not by a joint resolution admitting a territory, if it be assumed for the time being that we have the power to admit the islands at all, curtail or restrict the movements of the residents of that territory — a part of this country. However this may be, the abandonment of the former claims is manifest.

Mr. President, our consul at Honolulu, Mr. Haywood, has made a report with reference to the coffee industry to which our attention has been lately directed. He points out with great elaboration and detail that the men who do the actual work are Japanese and Chinese, and that they labor for $15 a month and board themselves. In a few instances they are paid $16, but the wages are usually $15 a month, and it is certain there is no opportunity in this business for American citizens. It is clear that we will not enter into active competition with a person who is working upon coffee and sugar plantations for from ten to fifteen dollars per month.

Hence the statement that annexation will afford a splendid opening for labor has nothing whatever to maintain it. Never in any part of the world has the raising of cane sugar and the production of coffee been considered important in enlightened white labor, and today the coffee production of the world is fully equal to the demand and somewhat ahead of it, and a careful reading of the elaborate report which I have cited will show the impartial man that the assertion that there is anything for labor in the Hawaiian Islands is a mere pretense. We have heard much about the present Hawaiian Government and its friendship to this country and to those who toil.

In this connection I refer to the following Hawaiian legislation:

ACT 66.—An act relating to the landing of aliens in the Hawaiian Islands.

Be it enacted by the executive and advisory councils of the Provisional Government of the Hawaiian Islands, It shall be unlawful for aliens of the following classes to land in the Hawaiian Islands, to wit: Idiots, insane persons, paupers, vagabonds, criminals, fugitives from justice, persons suffering from a loathsome or dangerous contagious disease, stowaways, vagrants, and persons without visible means of support, which means of support may be shown by the *bona fide* possession of not less than $50 in money or a *bona fide* written contract of employment with a reliable and responsible resident of the Hawaiian Islands.

SEC. 2. The master or other officer of any vessel or any person who shall bring within the Hawaiian Islands and land, or attempt to land, or permit to be landed, any alien not lawfully entitled to enter the Hawaiian Islands, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 nor less than $100 for each and every such alien not entitled to enter the Hawaiian Islands, so brought and landed, or attempted or permitted to be landed, and may be imprisoned for a term not exceeding one year; and any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

SEC. 3. Upon the arrival of any vessel from any foreign land at any port of the Hawaiian Islands with passengers on board it shall be the duty of the master of such vessel to report the name, nationality, last residence, destination, occupation, and object of coming to the Hawaiian Islands of every such passenger, before any of them are landed, to the collector-general of customs or his deputy, or the collector of customs of the port at which such vessel has arrived, who shall thereupon inspect all of such passengers who may be aliens, either on board of such vessel or at a designated place on shore. But such removal of such passengers from the said vessel for the purpose of such inspection shall not be considered to be a landing. The inspecting officers shall have the power to administer oaths and to take and consider testimony touching the right of any such alien passengers to land within the Hawaiian Islands, all of which shall be entered of record. All decisions made by the inspection officers touching the right of any alien to land shall be final: *Provided,* That the collector-general of customs may reverse the decisions of his deputy and the several collectors of customs in case appeal shall be taken to him from their decisions. It shall be the duty of the master and officers and agents of such vessel to adopt due precautions to prevent the landing of any alien at any place or time other than that designated by the inspection officers, and any master, officer, or agent of such vessel who shall, either knowingly or negligently, land or permit to land any alien at any place or time other than that designated by the inspection officers, or other than those who may have received a permit to land by the inspection officers, shall be deemed guilty of a misdemeanor and be liable to the penalties above mentioned. Any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

Sec. 4. All aliens who may unlawfully come to the Hawaiian Islands shall, if practicable, be immediately sent out of the country on the vessel by which they were brought in. The cost of their maintenance while here, as well as the expense of removing such aliens out of the country, shall be borne by the owner or owners of the vessel on which such aliens came; and if any master, agent, consignee, or owner of such vessel shall refuse to receive back on board such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to carry them out of the country or pay the cost of their maintenance while here, such master, agent, consignee, or owner shall be deemed guilty of a misdemeanor and be liable to the above-mentioned penalties for each and every offense, and any such vessel shall not have clearance from any port of the Hawaiian Islands until such fine is paid.

Sec. 5. Any alien who shall come into the Hawaiian Islands in violation of law may be returned, as by law provided, at any time within one year thereafter at the expense of the person or persons, vessel or corporation, bringing such alien into the Hawaiian Islands; and, if that can not be done, then at the expense of the Government; and any alien who becomes a public charge within one year after his arrival in the Hawaiian Islands, from causes existing prior to his arrival, shall be deemed to have come in violation of law, and may be returned as aforesaid. And any alien who shall come into the Hawaiian Islands in violation of law shall be detained by the marshal or his deputy or any sheriff or police officer until there is an opportunity for his deportation.

Sec. 6. The circuit judges and district magistrates are hereby vested with full and concurrent jurisdiction of all misdemeanors arising under the provisions of this act; and the collector-general of customs, his deputy, and the several collectors of customs are invested with full jurisdiction in matters touching the right of any alien to land or the question whether any alien who has landed has done so in violation of law, subject, however, as to said deputy and collectors, to the review of the collector-general of customs in case of appeal.

Sec. 7. This act shall take effect upon publication.

Approved this 1st day of March, A. D. 1894.

SANFORD B. DOLE,
President of the Provisional Government of the Hawaiian Islands.
J. A. KING,
Minister of the Interior.

Act III. — An act to amend No. 66 of the laws of the Provisional Government, entitled "An act relating to the landing of aliens in the Hawaiian Islands," approved March 1, 1894.

Be it enacted by the executive and advisory councils of the Republic of Hawaii, Section 1 of act No. 66 of the laws of the Provisional Government, entitled "An act relating to the landing of aliens in the Hawaiian Islands," approved March 1, 1894, is hereby amended by adding at the end of said section the following words, viz., "binding such alien to work as an agricultural laborer for a term of less than two years."

Sec. 2. This act shall take effect from the date of its approval, this 9th day of August, A. D. 1894.

SANFORD B. DOLE.

Act XVII.—An act relating to the immigration of aliens and foreigners under contract of service.

Be it enacted by the executive and advisory councils of the Republic of Hawaii, From and after the passage of this act, it shall be unlawful for any person, company, partnership, or corporation in any manner whatsoever to prepay the transportation, migration, or introduction of any alien or aliens, any foreigners or foreigners, into the Hawaiian Islands, under contract or agreement made previous to the importation, migration, or introduction of such alien or aliens, foreigner or foreigners, to perform agricultural or domestic labor or for service in mills or factories in the Hawaiian Islands. *Provided, however,* That any person, company, partnership, or corporation may bring aliens or foreigners into the Hawaiian Islands as aforesaid upon receiving from the board of immigration its written approval of the contracts under which it is proposed to introduce such aliens or foreigners.

For the purpose of this act all aliens and foreigners arriving within the jurisdiction of the Republic of Hawaii in any vessel, or who, having so arrived, may be performing quarantine on shore, shall be deemed to be without the Hawaiian Islands, and the provisions of this act regarding the importation, migration, or introduction of aliens and foreigners so arriving or in quarantine.

SEC. 2. All contracts or agreements which may hereafter be made by and between any person, company, partnership, or corporation and any aliens, foreigner or foreigners to perform agricultural or domestic labor or for service in mills and factories in the Hawaiian Islands previous to the migration, importation, introduction, or arrival of the person or persons whose labor is to be contracted for into the Hawaiian Islands, shall be void, except such contracts and agreements as shall have been approved by the board of immigration as aforesaid.

SEC. 3. For every violation of any of the provisions of section 1 of this act the person, company, partnership, or corporation violating the same shall forfeit pay for the benefit of the treasury for every such offense the sum of $300 for each alien or foreigner introduced or landed in the Hawaiian Islands, or whose passage has been paid, encouraged, or arranged for contrary to the provisions of section 1 of this act, upon conviction thereof before a district magistrate.

SEC. 4. The master of any vessel who shall knowingly bring within the Hawaiian Islands on such vessel, and land or permit to be landed from any foreign port or place, any alien or foreigner who, previous to embarkation on such vessel, had entered into contract or agreement to perform agricultural or domestic labor or service in mills or factories in the Hawaiian Islands, which contract or agreement had not been approved by the board of immigration as aforesaid, shall forfeit and pay for benefit of the treasury the sum of $100 for each alien or foreigner so introduced or landed upon conviction thereof by the district magistrate.

SEC. 5. This act shall not apply to immigration of laborers under contract under the provisions of the convention between this country and Japan of January 28, A. D. 1886.

SEC. 6. This act shall take effect from the date of its publication.

Approved this 1st day of February, A. D. 1895.

SANFORD B. DOLE,
President of the Provisional Government of the Hawaiian Islands.

It has been for some time asserted that the new organization in the Sandwich Islands favored American labor, and that because the missionary element had become dominant the high-priced white laborers of the United States could confidently rely upon splendid remuneration if the Hawaiian Islands were annexed. It is therefore important to examine the treaties prevailing between Hawaii and Japan, from which latter country it is supposed danger is to be anticipated. These treaties, so far as they relate to this subject, have already been printed, at my suggestion, as a Senate document. They are as follows:

TREATIES BETWEEN JAPAN AND HAWAII.

Whereas a treaty of amity and commerce between His Majesty the King, and His Imperial Majesty the Tenno of Japan, was concluded at Yeddo, on the 19th day of August, 1871, which has been ratified by His Majesty the King, and His Imperial Majesty, the Tenno of Japan, and the ratifications duly exchanged — which treaty is, word for word, as follows:

His Majesty the King of the Hawaiian Islands, and His Imperial Japanese Majesty the Tenno, being equally animated by the desire to establish relations of friendship between the two countries, have resolved to conclude a treaty, reciprocally advantageous, and for that purpose have named their plenipotentiaries, that is to say, His Majesty the King of the Hawaiian Islands, His Excellency C. E. De Long, appointed and commissioned by His Majesty envoy extraordinary and minister plenipotentiary of the Kingdom of Hawaii near the Government of His Majesty the Tenno of Japan, and His Imperial Majesty the Tenno, His Excellency Sawa Iusanme Kiyowara Noluyoshe, minister for foreign affairs, and His Excellency Terachima Jusee Fugiwarra Munemori, first assistant minister for foreign affairs, who, having communicated to each other their respective full powers, which are found in good order and in proper form, have agreed upon the following articles:

ARTICLE I. There shall be perpetual peace and friendship between His Majesty the King of the Hawaiian Islands and His Imperial Japanese Majesty the Tenno, their heirs and successors, and between their respective subjects.

ARTICLE II. The subjects of each of the two high contracting parties, respectively, shall have the liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other where trade with other nations is permitted; they may remain and reside in any such ports and places, respectively, and hire and occupy houses and warehouses, and may trade in all kinds of produce, manufactures, and merchandise of lawful commerce, enjoying at all times the same privileges as may have been or may hereafter be granted to the citizens or subjects of any other nation, paying at all times such duties and taxes as may be exacted from the citizens or subjects of other nations doing business or residing within the territories of each of the high contracting parties.

ARTICLE III. Each of the high contracting parties shall have the right to appoint, if it shall seem good to them, a diplomatic agent, who shall reside at the seat of the Government of the respective countries, and consuls and consular agents, who shall reside in the ports or places within the territories of the other where trade with other nations is permitted. The diplomatic agents and consuls of each of the high contracting parties shall exercise all the authority and jurisdiction, and shall enjoy within the territories of the other all the rights and privileges, exemptions, and immunities which now appertain or may hereafter appertain to agents of the same rank of the most favored nations.

ARTICLE IV. It is here stipulated that the Hawaiian Government and its subjects, upon like terms and conditions, will be allowed free and equal participation in all privileges, immunities, and advantages that may have been or may hereafter be granted by His Majesty the Tenno of Japan to the Government, citizens, or subjects of any other nation.

ARTICLE V. The Japanese Government will place no restrictions whatever upon the employment by Hawaiian subjects of Japanese in any lawful capacity. Japanese in the employ of foreigners may obtain Government passports to go abroad, on application to the governor of any open port.

ARTICLE VI. It is hereby agreed that such revision of this treaty, on giving six months' previous notice to either of the high contracting parties, may be made by mutual agreement, as experience shall prove necessary.

ARTICLE VII. The present treaty shall be ratified by His Majesty the King of the Hawaiian Islands, and by His Imperial Majesty the Tenno, and the ratifications exchanged at Yeddo, the same day as the date of this treaty, and shall go into effect immediately after the date of such exchange of ratifications.

In token whereof, the respective plenipotentiaries have signed this treaty.

Done at the city of Yeddo, this 19th day of August, A. D. 1871, corresponding in Japanese date to the fourth day of the seventh month of the fourth year of Meiji.

(Signed) C. E. DE LONG. [SEAL.]
SAWA IUSANME KIYOWARA NOLUYOSHE. [SEAL.]
TERACHIMA JUSEE FUGIWARRA MUNEMORI. [SEAL.]

Now, all persons are hereby notified that the said treaty is a part of the law of this Kingdom, and is to be regarded as such.

[L. S.] CHAS. C. HARRIS,
For Minister of Foreign Affairs.

FOREIGN OFFICE, *September* 27, 1871.

CONVENTION BETWEEN THE EMPIRE OF JAPAN AND THE KINGDOM OF THE HAWAIIAN ISLANDS.

Whereas a large number of the subjects of His Majesty the Emperor of Japan have emigrated to the Hawaiian Islands; and whereas it is not unlikely that others of His Imperial Majesty's subjects may desire to take advantage of the system of free and voluntary emigration which has been established, and which it is intended by this convention to confirm; and whereas it is equally the desire of His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan to afford the emigrants the most ample and effectual protection compatible with the constitution and laws of Hawaii, His Majesty the King of the Hawaiian Islands and His Majesty the Emperor of Japan, being resolved to treat upon these important subjects, have, for that purpose, appointed their respective plenipotentiaries to negotiate and conclude an emigration convention; that is to say: His Majesty the King of the Hawaiian Islands, Robert Walker Irwin, knight commander of the Royal Order of Kalakaua, His Majesty's charge d'affaires and consul-general at Tokyo, and His Majesty the Emperor of Japan, Count Inouye Kaoru, Jusammi, His Imperial Majesty's minister of state for foreign affairs, first class of the Order of the Rising Sun, etc., who, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. It is mutually agreed between the contracting parties that the several stipulations contained in this convention shall, so far as the same are applicable, embrace as well the subjects of His Majesty the Emperor of Japan who have already emigrated to the Hawaiian Islands, as those who may hereafter emigrate thither.

ARTICLE II. The Government of His Majesty the Emperor of Japan agree that in pursuance of the provisions of this convention, and so long as the same shall remain in force, Japanese subjects may freely emigrate to the Hawaiian Islands. But nothing herein contained shall be held to deprive His Imperial Japanese Majesty's Government of the right, in individual cases, to prohibit such emigration, or at their pleasure generally to limit, suspend, or prohibit such emigration, if in their judgment the exigencies of the State, or the welfare of the Japanese subjects, justify such action. It is, however, understood that this right shall not be arbitrarily exercised, neither shall it be enforced against intending emigrants, in respect to whom the Japanese Government shall have given the permission provided for in Article III hereof.

ARTICLE III. All emigration under this convention shall be carried on between the ports of Yokohama and Honolulu. The kenrei (governor) of Kanagawa shall, in all matters connected therewith, represent and act on behalf of the Japanese Government. His Hawaiian Majesty's Government engage to appoint a special agent of the Hawaiian board of immigration to reside at Yokohama. The appointment of such agent shall be subject to the approval of the Japanese Government.

It shall be the duty of said agent to correspond and consult with said kenrei upon all matters connected with the subject of Japanese emigration to Hawaii, and he shall moreover be charged with the duty of making all necessary arrangements with reference to the embarkation and transportation of intending emigrants. Whenever emigrants are desired, the said agent shall give the said kenrei at least one month's previous notice, setting forth the number and class of persons desired, to which notice the said kenrei shall without unnecessary delay reply, giving the determination of His Imperial Majesty's Government in that behalf. In default of such notice, or in default of a favorable reply thereto from the said kenrei, the concluding paragraph of the last preceding article hereof shall not apply.

ARTICLE IV. All emigration under this convention shall be by contract. The contracts shall be for the period not exceeding three years, and shall be in accordance with a form to be approved by both Governments. The contracts shall be concluded at Yokohama, by and between the special agent of the Hawaiian board of immigration, in the name and on behalf of the Hawaiian Government and the intending emigrants, and shall be approved by the kenrei of Kanagawa. During the continuance of any such contracts the Hawaiian Government shall assume all the responsibilities of employer toward the emigrants, and shall consequently be responsible for the due and faithful performance of all the conditions of such contracts. And, at the same time, the said Government of Hawaii guarantees to each and every Japanese emigrant the full and perfect protection of the laws of the Kingdom, and will endeavor at all times and under all circumstances to promote the welfare and comfort of such emigrants.

ARTICLE V. His Hawaiian Majesty's Government agree, moreover, to furnish all emigrants, under this convention, free steerage passage, including proper food, from Yokohama to Honolulu, in first-class passenger steamers. The steamers selected for the purpose of transporting such emigrants shall be approved by the kenrei of Kanagawa.

ARTICLE VI. In order to insure the proper fulfillment of the terms of the contracts entered into between the board of immigration of the Hawaiian Kingdom and any Japanese emigrants, and to afford full protection to such emigrants in the enjoyment of their rights under the laws of the Hawaiian Kingdom, His Hawaiian Majesty's Government will provide and employ during the continuance of any of the contracts aforesaid, a sufficient number of inspectors and interpreters, who shall be able to speak and interpret the Japanese and English languages, and the services of such interpreters shall at all times be rendered without charge to such emigrants, in the courts of the Hawaiian Kingdom, in any suits arising out of or concerning any such contracts, in which such emigrants may be plaintiffs, defendants, complainants, or accused.

ARTICLE VII. The Government of His Hawaiian Majesty will, during the continuance of any of the contracts provided for by this convention, employ a sufficient number of Japanese physicians to attend the emigrants, and will give to the said physicians the status of Government physicians, and will station them in such localities as may from time to time appear to be desirable in order to afford the emigrants all necessary medical aid.

ARTICLE VIII. His Hawaiian Majesty's Government further agree that the diplomatic and consular agents of Japan in Hawaii shall at all times have free and unrestricted access to all Japanese emigrants; they shall be afforded every facility to satisfy themselves that the contracts are being fulfilled in good faith; and they shall also have the right, in case of violation thereof, to ask and obtain the protection of the laws and local authorities of Hawaii.

ARTICLE IX. The well-being, happiness and prosperity of Japanese subjects emigrating to Hawaii, being equally objects of solicitude to both the contracting parties, His Imperial Japanese Majesty's Government consent that His Hawaiian Majesty's Government shall have the right to send back to Japan all evil-disposed, vicious or vagrant Japanese subjects in Hawaii, who may create trouble or disturbance or encourage dissipation of any kind among the emigrants, or who may become a charge upon the State.

ARTICLE X. The present convention shall be ratified, and the ratifications shall be exchanged at Honolulu as soon as possible.

ARTICLE XI. The present convention shall take effect immediately upon the exchange of the ratification thereof, and shall remain in force for the period of five years; and thereafter until six months' previous notice shall have been given by one of the contracting parties to the other of its intention to abrogate it.

In testimony whereof, the respective plenipotentiaries have signed the present convention in the English language, and have hereunto affixed their seals.

Done at the city of Tokyo this 28th day of the first month of the nineteenth year of Meiji, corresponding to the 28th day of January, in the eighteen hundred and eighty-sixth year of the Christian era.

R. W. IRWIN, [L. S.]
INOUYE KAORU. [L. S.]

Now be it known that the above convention has been duly ratified by His Majesty the King and His Imperial Majesty the Emperor of Japan, and the said ratifications have been duly exchanged.

Therefore the said convention has become a part of the law of this Kingdom, and all the provisions thereof are to be observed accordingly.

[L. S.] WALTER M. GIBSON,
Minister of Foreign Affairs.

FOREIGN OFFICE, *Honolulu, March* 8, 1886.

Are these treaties inimical to Japanese interests as those interests are interpreted by the present philanthropic possessors of the country? Is the prevailing Hawaiian dynasty struggling to aid the laboring man? The Dole Government is not by any means solicitous for the welfare of the laboring man. A large number of contract laborers from Japan have been provided ever since the disturbance which resulted in the exclusion of some 800 Japanese in 1897. Two thousand contract laborers had been given permission to land by the board of immigration of Hawaii several months ago. The penal laws of Hawaii, published by authority in 1897, are in some respects interesting reading. I have compiled very briefly portions of these laws which I think bear upon the subject, covering a couple of pages nearly.

Section 1566 inhibits the importation of contract labor unless upon permission of the board of immigration, but section 1570 of the same code is in these words:

> Sections 1566 to 1569 shall not apply to immigration of laborers under contract under the provisions of the convention between this country and Japan on January 28, A. D. 1886.

This treaty contains a clause allowing either party to abrogate it upon six months' notice; but the Dole Government makes no attempt to do so, and not only continues contract labor in the islands, but such labor is subject to regulations savoring of slavery.

The following sections of the Hawaiian penal laws disclose the situation quite correctly:

> SEC. 1383. All engagements of service contracted in a foreign country, to be executed in this, unless the same be in contravention of the laws of this, shall be binding here: *Provided, however,* That all such engagements made for a longer period than ten years shall be reduced to that limit, to count from the day of the arrival of the person bound in this Republic.
>
> SEC. 1384. If any person lawfully bound to serve shall willfully absent himself from such service without the leave of his master, any district magistrate of the Republic, upon complaint made under oath by the master, or by anyone on his behalf, may issue a warrant to apprehend such person and bring him before the said magistrate; and if the complaint shall be maintained, the magistrate shall order such offender to be restored to his master, and he shall be compelled to serve the remainder of the time for which he originally contracted.
>
> SEC. 1385. If any such person shall refuse to serve according to the provisions of the last section or the terms of his contract, his master may apply to any district magistrate where he may reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing, and, if such refusal be persisted in, to commit such person to prison, there to remain at hard labor until he will consent to serve according to law. And in case such person so bound as aforesaid shall have returned to the service of such master in obedience to such order of such magistrate, and shall again willfully absent himself from such service without the leave of his master, such district magistrate may fine such offender for the first offense not exceeding $5 and for the second offense not exceeding $10; and in default of payment thereof such offender shall be imprisoned at hard labor until such fine is paid; and for every subsequent offense thereafter the offender shall be imprisoned at hard labor not exceeding three months, and at the expiration of any such imprisonment such magistrate shall order such offender to be restored to his master to serve for the remainder of such original term of service.

Mr. President, these provisions are the law, and those who are opposed to slavery will note that these resolutions do not repeal these infamous statutes, which are no doubt valid under the decision of our Supreme Court in Robertson *vs.* Baldwin (165 United States 275) wherein it was determined that compulsory service of deserting seamen in fulfillment of their contracts is not in violation of the thirteenth amendment of the Federal Constitution, which prohibits involuntary servitude; that no service which becomes involuntary during its continuance is antagonistic to that amendment.

Mr. President, it is asserted that the Dole Government has changed its views and that the coffee and sugar planters would prefer to pay high wages to white labor rather than lower wages to the

Mongolians. I doubt this statement. The San Francisco Chronicle, a very prominent California paper favoring annexation, published a brief and significant article under date of April 2 of the present year, which I will read:

CONTRACT LAW THEIR SALVATION—PLANTERS SAY ITS ABOLISHMENT WOULD MEAN THEIR RUIN.

Honolulu, March 24, 1898.

The sugar planters are up in arms against a bill now pending in the Legislature providing for the abolishment of the labor-contract system now in vogue, by which a laborer who deserts from a plantation can be arrested and thrown into jail until he is willing to return to his work and have all costs of his capture and detention assessed against him. The planters say that under the present condition the abolishment of the penal-contract law would mean the utter ruin of every plantation on the islands. At a meeting of a committee representing the Planters' Association and the House committee, to which the bill was referred, such men as John H. Hackfeld, W. G. Irwin, F. M. Swansey, C. Bolte, and H. Renjes were present, and all expressed the opinion that the passage of the bill would deal a death blow to the sugar industry.

The planters explained that the laborers brought to Hawaii are picked from the lowest classes in Japan. It is necessary to advance from $130 to $150 to each laborer to get him here. If, when he arrives, he can not be held to his contract, the plantation not only loses the man but the money invested in him.

Mr. President, our annexation friends do not intend to repeal these odious enactments.

Mr. President, I have already mentioned the fact that there were a certain number of Chinese laborers excluded by order of the Dole Government and that afterwards a larger number were permitted to land. It must be remembered that the 800 whose advent was inhibited were not of the lowest class. They were ordinary persons, seeking the rights of ordinary immigrants; but the 2,000 who were afterwards permitted to come in were contract laborers and were allowed to appear in the islands because they were needed for servile purposes at a maximum rate of $15 per month.

Another matter worthy of consideration is this:

It is confidently stated that if we do not annex the islands, Japan will flood them with immigrants. It is therefore important to look over the history of the past. The immigration for the period 1889-1893 was 1 to 15, as contrasted with 1893-1897.

In other words, there were nearly seven times more immigrants landed during the former period than during the latter.

It has been asserted that laborers would appear from ill-paid European regions. This is answered conclusively and briefly: Between 1875 and 1880 a few natives were brought from Norway to Hawaii. The experiment was never repeated. Had it been successful the hardy, frugal, industrious, money-saving toilers of Norway would have gladly sought the benefits of Hawaiian settlement. Germany, or rather a few German immigrants, made the same effort shortly afterwards, and were even less successful, and no similar expedition was afterwards attempted.

THE STATUS OF HAWAII WHEN ANNEXED.

To the objection that Hawaii is too remote for a State, and should not have privileges of statehood for various reasons, it is replied that nothing of the kind is contemplated, or will in any event happen. If not, why not?

The joint resolution declares: "The Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States, and are subject to the sovereign dominion thereof," etc.

The resolution also provides that the President shall appoint five commissioners, two of whom shall be residents of the islands, and who shall recommend to Congress proper legislation.

Senator MORGAN, in the San Francisco Examiner of October 20, 1897, in speaking of an address which he made to the Hawaiian people, says:

"They were always in fear of a negro invasion from this country to crowd them out of their work. These fears have been removed. I tried, successfully I think, to show them that once the islands were annexed all of its citizens would become citizens of the United States, with the same rights before the law as myself or any other American. All the natives are Hawaiian citizens, and their status as citizens will not be disputed; on the contrary, it becomes a part of the United States. * * * Supposing annexation is accomplished, Congress, through a commission of two Hawaiians and three Americans, will decide whether it shall be a Territory or an independent State. If a Territory, the United States could do nothing wiser than to retain President Dole," etc.

While the distinguished Senator from Alabama was in the islands recently he at several times asserted that citizenship would be conferred upon the natives as soon as annexation was accomplished, and, as reported by the Hawaiian press, he was very positive in these utterances.

And from the nature of things it is manifest that statehood is in prospect.

Senator MORGAN, in a letter addressed to Mr. James K. Kaulia and published in the Honolulu Independent of October 19, says: "Nor could we in any event accept Hawaii as a dependency or colony. We have no such powers under our Constitution."

Those who believe that it is impolitic to annex any territory as remote as Hawaii, with the prospect of statehood in front of us, can not afford, without doing violence to their convictions, to support the present scheme. Annexation means possible statehood. This cannot be denied. When political exigencies require it, some party, not more anxious for power than such organizations have heretofore been, will bring about the election of two Senators from this mid-ocean State.

Mr. President, I have referred to these statements made by the distinguished Senator from Alabama not in any spirit of criticism, but merely to disclose the view of a very eminent man, one who has been a leader in this matter, at least one of the leaders, indicating what we have a right to expect, showing that a strong, powerful, and well-considered sentiment already favors the incorporation of Hawaii, with its 109,000 miscellaneous people, into the fraternity of States. This indicates in the plainest and clearest way the danger that is impending.

ANNEXATION SHOULD NOT BE ACCOMPLISHED WITHOUT CONSULTING THE PEOPLE.

Mr. President, I said in commencing this discussion that one objection entertained in the best of faith by those of us who oppose annexation is the fact that we do not believe the people of the Hawaiian Islands should be brought into the United States against their consent.

THE TEXAS CASE.

We have been several times referred to the conduct of other Governments, and the Texas case, so often cited by the opposition, is here referred to again. But the Texas incident confirms my statement:

The constitution of Texas provided (Schedule, section 5, House Executive Document 16, Twenty-ninth Congress, first session), that immediately after the adjournment of the convention by which it was prepared "the President of the Republic shall issue his proclamation directing the chief justices in the several counties of this Republic, and the chief justices and their associates are hereby required, to cause polls to be opened in the respective counties," etc., * * * "for the purpose of taking the sense of the people of Texas in regard to the adoption or rejection of this constitution, and the votes of all persons entitled to vote under the existing laws or this constitution shall be received," etc.

The constitution contained an explicit acceptance of the provisions of the joint resolution for annexing Texas to the United States. (*Id.*, page 2.)

The Texas constitutional provisions with relation to voting were as follows (*Id.*, page 4):

SEC. 1. Every free male person who shall have attained the age of 21 years, and who shall be a citizen of the United States, or who is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town in which he offers to vote (Indians not taxed, Africans, and descendants of Africans excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer: *Provided,* That the qualified electors shall be permitted to vote anywhere in the State for State officers: *And provided further,* That no soldier, seaman, or marine in the Army or Navy of the United States shall be entitled to vote at any election created by this constitution.

SEC. 2. All free male persons over the age of 21 years (Indians not taxed, Africans, and descendants of Africans excepted) who shall have resided six months in Texas immediately preceding the acceptance of this constitution by the Congress of the United States shall be deemed qualified electors.

The joint resolution of Congress for annexing Texas was adopted March 1, 1845, and in the preamble it is provided that Texas may be erected into a State with a republican form of government to be adopted by the people of that Republic.

After this resolution went into effect and on the 13th day of October, 1845, an election was held in the several counties of Texas in which the subject of ratification or rejection of annexation, in accordance with the joint resolution, was directly voted upon, and the result was 4245 votes in favor of annexation and 267 against, and at the same time there were cast in favor of the adoption of the constitution 4172 votes and for its rejection 312 votes. (*Idem,* page 26.)

And on the 10th day of November Anson Jones, the President of Texas, issued his proclamation reciting that the polls were opened on the 13th of October for the purpose of taking the sense of the people of Texas. On December 10, 1845, Mr. Douglas, from the Committee on Territories, reported a resolution for the admission of Texas, as follows:

"Whereas the Congress of the United States, by a joint resolution approved March 1, 1845, did consent that the territory properly included within and rightfully belonging to the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government to be adopted by the people of the said Republic by deputies in convention assembled, with the consent of the existing Government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and

"Whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing Government, did adopt a constitution and erect a new State with a republican form of government and in the name of the people of Texas, and by their authority did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in the said first and second sections of said resolution; and

"Whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

"Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America and admitted into the Union on an equal footing with the original States in all respects whatever.

"Be it further resolved, That until the Representatives in Congress shall be appointed according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives."

There are two features connected with the Texas case which deserve particular consideration. The first of these are the reasons actuating Congress, and the second the care that was taken by both Governments to act in accordance with the will of the people of the territory proposed to be annexed.

President Tyler, in his message of June 10, 1844 (4 Richardson's Mess., etc., page 323), alludes to Texas as "a Republic coterminous in territory with our own," and he also uses the expression "a territory settled mostly by emigrants from the United States, who would bring back with them in the act of reassociation an unconquerable love of freedom and an ardent attachment to our free institutions."

Again he says (page 326): "If annexation in any form occur, it will arise from the free and unfettered action of the people of the two countries."

Thus it will be observed that President Tyler deemed it of importance to direct the attention of Congress to the contiguity of the territory in question and to the fact that the same was mostly settled by emigrants from the United States; not, as in the present case, a mere handful of Americans; not a small minority of the people, but, on the contrary, the most of the people; and he was careful to qualify all his statements by the assurance that no annexation would be tolerated which was not in consonance with the "free and unfettered action of the people of the two countries."

The proposed Texas treaty of annexation commences with this recital:

"The people of Texas having, at the time of the adoption of their constitution, expressed, by an almost unanimous vote, their desire to be incorporated into the Union of the United States," etc. — *House Executive Document* 271, Twenty-eighth Congress, first session, page 5.

In this connection I refer to the following extract from the letter of Messrs. Van Zandt and Henderson to Mr. Calhoun (*idem*, page 13):

"In 1836, after the declaration of the independence of Texas, in pursuance of the orders of the convention and the expression of the popular will, the president *ad interim*, by his proclamation, ordered an election to be held throughout the Republic for the ratification or rejection of the constitution which had been adopted by the convention and for the expression by the people of their wishes in regard to the annexation of Texas to the United States. The result was that upon a full poll but 93 votes were given against annexation."

It will be noted that there was no limitation to the exercise of the right of suffrage, as far as the free people of Texas were concerned. In fact, the proclamation mentions no limitation.

See also message of President Tyler, of date April 22, 1844. (4 Richardson's Messages, etc., page 309.)

The general distinction to be observed as to our acquired territory and Hawaii is thus pointed out by Judge Cooley (15 Forum, page 399):

The acquisition of Louisiana was made memorable in a constitutional point of view by the fact that the President who managed the negotiation and brought it to a successful conclusion did not believe that any power existed under the Constitution for making the purchase.

Mr. Jefferson saw very clearly the vast importance of what he undertook to do. It would add to the United States a great extent of territory which was already becoming important in order to provide for the emigration going on from the existing States into the interior. It would rid us of an undesirable neighbor at the west. It would give us the Mississippi as a highway for the commerce of the interior with the outer world. It would secure its outlet as the *entrepot* of the trade of the world with our Western people; and it would relieve us forever from the danger that by and by the inhabitants of the Western Territories would sever their connection with the Union and unite in forming a great Republic upon the rivers which would constitute their chief international highways.

This was the prize to be attained; but the Constitution, in his view, had made "no provision for our holding foreign territory and still less for incorporating foreign nations into our Union." Under the circumstances, he thought the emergency should be met by first making the purchase and then appealing to the nation "for an additional article in the Constitution approving and confirming an act which the nation had not previously authorized." He would have had this done as quietly as possible, avoiding public discussion, but "shutting up the Constitution for some time" until the purchase was made. The

Federal politicans of the day took what advantage they might of his scruples and made all the opposition they could; but statesmen like Hamilton and Gouverneur Morris refused to make this a mere partisan question, and while they made light of Mr. Jefferson's scruples, did all they could to favor the purchase. That it was an act of the highest wisdom no one at this day has the slightest doubt, and we think we may fairly assume that Mr. Jefferson, after it had been accomplished, felt but lightly the scruples he had felt at the outset, for when he found that his party did not share in them, he ceased to insist upon the necessity for amendment to the Constitution.

Every foot of the territory acquired in the Louisiana Purchase was not only needed to provide for the natural and inevitable expansion of the settlement then going on in the territory of the United States, but it also fitted perfectly into the American system, and the purchase brought nothing of a discordant nature into the existing Union. The domain purchased would be formed into Territories with suitable governments as the needs of its growing population should require, and these Territories would in time become States. There was at the mouth of the Mississippi a considerable settlement of people of another race from those who had colonized the existing States, but they were Europeans, and there was no question that in time they would become, as American citizens, an element by no means incongruous or undesirable. There is no ground whatever for question that had the condition of things which confronted Mr. Jefferson at the time of the Louisiana Purchase been foreseen when the Constitution was formed, the wisdom of leaving it to be dealt with by the Government as it was in fact dealt with would have been doubted by no one.

What has been said regarding the acquisition of Louisiana is equally applicable to the treaty for the annexation of Florida. Here, again, was a case of territory bordering upon that of the Union, in the hands of a foreign nation, but needed to provide for the gradual expansion of the population of the Union, and certain in time to become the property of the Union, either peaceably or by the lawless action of those who would covet it and who would seem to the people of the United States to be its natural and proper proprietor. It was purchased for incorporation into the Union in the regular and ordinary way, and the opportunity was also taken advantage of to extinguish claims on the Pacific Coast which were likely in time to become troublesome. Everything that was done in these two cases tended to perfect the work of the founders of our institution instead of bringing in any element of discord or incongruity.

* * * * * * * * * * *

In regard to the country itself, we may repeat here what has already been said in respect to Louisiana and Florida. Its acquisition brought no incongruous element into the Federal Union. A State was brought in, being admitted to the Union on an equal footing with the other States. The population was homogeneous with our own; its institutions were similar to those which prevailed in the other States of the Union. Nothing was done; nothing was promised; nothing was contemplated in the annexation that was not perfectly harmonious with our existing system. The treaty as formed looked to the acquisition of territory that already constituted an established State, and it was upon this basis that the negotiations completed by the action of the two Legislatures proceeded. The State, it was agreed, might be divided into other States, but there was nothing here that looked to anything but the final incorporation of States into the Union on precisely the same terms with those already constituting members of the Union. The State annexed bordered upon States already admitted to the Union, and if it could have been acquired honorably and without taking upon ourselves a war with a country with which we had ourselves no quarrel, it would doubtless be agreed without dissent by our people that annexation ought to have been assented to.

In the year 1867 our Government, under the exercise of the treaty-making power, acquired the country known as Alaska. This country bordered upon territory which upon plausible reasons we had claimed to own, but which in the settlement of our northwestern boundary with Great Britain had been assigned to that power. It was therefore not at the time of its acquisition strictly contiguous to any territory of the United States. It was nevertheless upon the continent; it was not very far away; it was unoccupied except by a race of savages; it would be open to occupation by the American people, and in due time, if sufficient population should be found there, would be provided with a territorial government and might become a State of the American Union without seeming to conflict especially with what we hereinbefore have claimed to be the true rule of constitutional construction on the subject. Had it been annexed previous to the settlement of the Oregon boundary no one could have raised any question of constitutional propriety.

Mr. President, the statement thus made is sufficient to demonstrate that in the case of Texas the greatest care was exercised to ascertain the will of the people, and, as I before remarked, the mere fact that the Dole Government may have the technical authority to annex should not be of particular importance to us, for the act which we are seeking to do is not merely a legal act, but should be a highly moral act, and we can not afford to compel these people to come into this Republic. They must not be unwilling colaborers. We have the physical power to do it, but the right which is based upon conscience is of a different nature.

Although I have already considered the constitutional aspects of annexation, I wish to call attention to the thirty-second article of the Hawaiian constitution, wherein the power is given to effect — what? Not annexation, but a political or commercial union. What is a political union? Is it necessarily annexation? The views of international law writers upon the power to accomplish annexation are to some extent thus expressed by Mr. Woolsey:

> If the power of a sovereign or of a Government is limited by a ground law, written or unwritten, a treaty can not override the constitution. No one can lawfully exercise power which does not of right belong to him. Thus, under constitutional forms, where the treaty-making power is placed in particular hands, no others can exercise it, and where it is limited in extent it can not be lawfully exercised beyond that limitation. Where, however, an unlimited power of making treaties is given to a Government, or to some department of it, the public domain and property may be alienated or individual rights may be sacrificed for public purposes. And yet even the most absolute despot may make treaties which neither his subjects nor third powers ought to regard as binding. Could the house of Romanoff, for instance, resign the throne of Russia to whom it pleased? The true view here is that the province of absolutism is not to dispose of the national life, but to maintain it without those checks on the exercise of power which exist elsewhere. No power, however uncontrolled, was given to destroy a nation or can lawfully do so.
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> An interesting inquiry here arises, whether the treaty-making power in a federative union like the United States can alienate the domain of one of the States without its consent. Our Government, when the northeastern boundary was in dispute, declared that it had no power to dispose of territory claimed by the State of Maine. "The better opinion would seem to be," says Chancellor Kent, "that such a power of cession does reside exclusively in the treaty-making power under the Constitution of the United States, although a sound discretion would forbid the exercise of it without the consent" of the interested State. But it might be asked whether the treaty-making power is not necessarily limited by the existence of States, parties to the confederation, having control for most purposes over their own territory? Could the treaty-making power blot out the existence of a State which helped to create the Union by ceding away all its domain? Such fearful power was never lodged in the General Government by the Constitution and could never be lawfully exercised in the ordinary contingencies of the cofederation. Only in extreme cases, where the treaty-making power is called upon to accept the fact of conquest or to save the whole body from ruin by surrendering a part, could such an exercise of power be justified. (Comp., sections 53, 161.)

Mr. President, we have been in the habit of alluding to our Government as one of delegated powers, and we have claimed heretofore that the Congress has no authority except that confided to it either direct or by necessary implication by the Constitution. I suppose than any lawyer in this Chamber would, if he were not called upon by the political exigencies of the moment to vote in favor of the joint resolution, admit that under the Hawaiian system the power to alienate that nation does not repose in the Legislature or the treaty-making authority unless it is so ordained in her organic law, and yet the constitution of Hawaii, as I have pointed out, only gives authority in respect to political and commercial union to be exercised by treaty, and there is not one word anywhere, unless it is found in the treaty-making provision, which I gravely doubt, authorizing denationalization.

It will not be presumed that a people under republican forms ever organize a Government for the purpose of granting the entire country to another. The agency created through the constitution and laws must be regulated and controlled by them. No nation ever made a constitution or passed an act through its Legislature or elected a Legislature with the intention that that Legislature should destroy the nationality. For the first time we are to accept the unauthorized act of the Congress as binding not only on ourselves but also upon Hawaii.

We are confidently informed that if the President of that Republic and his Legislature make no objection, the country is ours, regardless of their constitution. Mr. President, if Senators would calmly reflect upon this situation the pending resolution would be consigned to the waste basket, where it belongs.

Mr. President, passing from this to another subject, I wish to call the attention of the Senate to the argument made to some extent here today, that as Hawaii is small its annexation will not amount to a very great deal. It is no doubt true that the Republic of Hawaii is comparatively insignificant, but its absorption will nevertheless as completely establish our repudiation of the Monroe doctrine and of other theories of government heretofore adopted as though it covered a much greater area and was tenanted by a much more numerous and powerful population. Every vast change has had a small beginning. Our independence was a matter of growth, and no one doubts that because of our success numerous monarchical establishments were destroyed and upon their ashes free Governments arose. If we can annex these islands, we can take in any spot in the world under the same claim of right.

In illustrating this phase of the question, Senator Morehead, of Kentucky, during the Texas discussion, said:

> He might be told that these were extreme cases. So they were; and he should not have introduced them but for the sake of illustration, and they did illustrate the principle contended for and showed plainly the extremity of the proposition contained in the resolution from the House. If Cuba and Haiti and Liberia were received we might soon have an application from China. We had had lately a brilliant mission to China and had become acquainted with many things before unknown touching the Celestial Empire — the land of flowers. Very possibly we might become captivated by the beauty of their long tails and slanting eyes and wish to have among us their ladies with little feet.
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> The annexation of an Empire so large as China would, perhaps, go pretty far toward gratifying our appetite for acquisition of foreign territory. We might then go south on our own continent, annex Mexico [this was already threatened,] and annex Bogota, and Bolivia, and Peru, and Chile, till at length we took in Patagonia. We were told by the geographers that the people of Patagonia were cannibals, or, in other words, man-eaters. Very well; if they were, it might probably exert a conservative influence on the public councils, and the annunciation from the Chair of "the Senator from Patagonia" might well cause gentlemen to be extremely orderly — only think of it! — the

Ultima Thule of the East! What a temptation to have her in this Union! What a privilege! The glorious privilege of our Constitution, that we could take in the world! — *Congressional Globe and Appendix,* Twenty-eighth Congress, second session, 1844-45, page 281.

THE DANGER OF THE EXAMPLE.

Mr. President, the point of this reference is that if we commence this work of expansion and accretion there will be no limit. The taste of conquest is dangerous. It may be well enough for any Senator to say that, after all, the annexation of so small a country is immaterial; that we would not seize a larger country similarly situated. But experience shows that this argument is valueless, and that the very vote which is given by the distinguished Senator from Massachusetts who has so eloquently addressed the Senate today in favor of the resolution will be referred to as authority and be declared to be worthy of the greatest consideration in maintaining the theory that the Philippine Islands and other parts of the world are to be permanently acquired.

Mr. President, in this body, among the most eloquent and able Senators who favor annexation are to be found those who have urged, as I said the other day, that wherever the American flag is raised it must forever remain. They will be sure to take advantage of this precedent. When a treaty of peace with Spain is being negotiated the consequences of Hawaiian annexation will be manifested.

This is the first step — the dangerous step — in the direction of territorial expansion. If there ever was a time when we should proceed slowly in such matters, that time is now. Today, in the midst of the great triumphs of our arms; today, when everywhere in our land rise voices of praise and thanksgiving for the wonderful battles we have won, we must not be deaf to the circumstance that intense enthusiasm is not productive of the wisest conclusions, and that in the midst of the excitement incident to military success there is but little opportunity or ability to solve those numerous problems of free government which encompass the victorious Republic.

Mr. President, in times when nations are struggling for life, when they are being emancipated from oppression, when they are admitted to the broad light of freedom and breathe again that invigorating air of liberty of which they were so long deprived — in those moments they understand the meaning of tyranny, and they know full well the distinction between civil government exercised and based upon the people's will and that which springs from military power.

However virtuous men may be or may have been, however great their intellectuality, however superior their education, when they are suddenly invested with plenary jurisdiction and have the authority to dominate their fellow-men, the temptation is ever too great and they yield to its seductions. Hence the danger of vast military establishments and the necessity for thorough separation between the civil and military departments. When this Government was first organized and had around it and within it nothing save that which told of human rights vindicated and oppression subverted, it was far differently situated. But two or three years ago, but four or five months ago, we did not hear Senators clamoring for extension and expansion and for immense navies and armies.

OUR HOMOGENEITY IMPORTANT.

Mr. President, is the homogeneity of the American people worthy of consideration? What is it we most need in solving the problems of domestic government? We require not only that cohesion which draws together the whole in an effort to preserve its every part, but we must have that moral sympathy and that moral strength which can only emanate from a people sufficiently educated to appreciate the basic principles of their government, sufficiently courageous to defend them, and sufficiently impartial to deal out to each other and to all men that justice upon which alone human institutions can permanently rest.

Mr. President, see the problems which constantly confront American people. From the Atlantic shore to the Pacific Ocean we have a common people. We are used to regard ourselves as such. We speak of a common interest, of a common heart, and of a universal aspiration. We speak of these as the result of that educated development of just minds which has eventuated in the formation of a character and a capacity adequate to meet the grave necessities of self-rule.

Yet, while that is true, do we not find wide diversity of opinion in this Republic? Do we not find in Massachusetts, for instance, a great difference of opinion as to financial matters as contrasted with the sentiment on the same topic that prevails in the State of Colorado? Do we not find certain parts of this country striving for the prevalence of theories in which they honestly believe, and which they enforce with great intellectual vigor? And do we not find in another part of this same land violently antagonistic notions upon that identical topic?

And yet, sir, if this be true in this country of education, in this land where the schoolhouse and the church rise, where we are taught together and breathe the same atmosphere, where from ocean to ocean the railroads and other means of transportation carry us day by day, and where the constant intermingling of every class tends to dissociate from all anything in the nature of prejudice or sectionalism—if this be true here in our well-beloved Republic, what is to be the condition of things if we summon among us millions — not merely hundreds of thousands, but millions — who not only are not masters of the theories of civil government, but who, Mr. President, know less of it than the child who toddles at your knee?

I wonder that anyone who feels a deep and abiding interest in his country will decline to pause a moment over this consideration. Is it contemplated that we are to educate newly-imported races and that after years of trouble and difficulty they may be raised to our level? Have we attained perfection in government? Have we solved all its grave and momentous difficulties? Are we prepared to say that we possess not only the government par excellence, which we do assert, but that there is no more for us to do, that the superlative has been reached, that there is no other question now important enough for us to solve, and that we must go forward as republican missionaries throughout all the nations to instill lessons of freedom and that reverence for law which we inculcate and in which we believe? Are we prepared to assert this? Surely not.

There is scarcely a Senator here who does not look forward to the near future as pregnant with grave contentions among our own people; not battles with the sword, but battles of intellect, battles of mind, battles where men earnestly and honestly contend for mastery as to principles affecting even our governmental structure. Shall we, thus confronted by these domestic problems, thus meeting day by day these grave issues, demanding our best thoughts and our most patriotic effort, affiliate with the ignorant, venal, and savage, living far removed and alien to us in language and ideas?

Will the Malay make a good citizen? I do not think so, notwithstanding encomiums passed upon him. Obliteration will come finding him not qualified to be of us. He should never be elevated to the position of American citizenship, and no country tenanted by incompetents should ever be acquired for permanent occupancy. The Negrito must share the same fate. Not every clime, not under every sun, not in the home of every race can the American citizen be found.

He dwells where natural gifts and the advantages of education and free exercise of his best faculties lead him to see the best and to do it. He belongs to a dominating type. It must be through the process of evolution, not born in legislative halls and that do not spring from the sudden thirst of power on the part of an armed people, that men may be disciplined for freedom. In this day and generation, when we hear the approach of momentous questions, we are told that we must depart from tried paths and proceed into an undiscovered country.

Mr. President, the following may be considered to some extent a summary of the positions which I have taken here:

1. As to the statement that our policy has always tended toward annexation. This is untrue. Jefferson declared that we should never accept any territory requiring a navy to defend it. Webster, while asserting that we had peculiar interests in the islands, expressly disclaimed any intention of annexation. Presidents Tyler, Taylor, Fillmore, etc., held the same views. Marcy at one time favored annexation, but the scheme was not carried out, and his latest expression on the subject favored maintaining their independence. When Mr. Frelinghuysen was Secretary of State he adopted Jefferson's view against extracontinental acquisitions.

2. That we need Hawaii for military purposes. It is difficult to see how such an addition to our country could otherwise than weaken us. We are now but moderately defended, both as to fortifications and naval development. Admiral Walker testified before the Senate Committee on Coast Defenses that in case of war with a great maritime power our Navy would be inadequate.

Its splendid achievements at Manila and Santiago in nowise detract from the correctness of that assertion, nor can we question that if we are to proceed to develop ourselves as an all-conquering power our Navy must be many, many times augmented. While vast improvement has been made, our Navy is not perfect. Everybody admits that Hawaii would require naval defense. We are not protected as it is. Will it help us to take in something new also demanding defensive expenditures?

It would cost not less than $100,000,000 to properly "protect" Hawaii. The town of Honolulu is located on the island of Oahu and Pearl Harbor is also on that island. Admiral Belknap says that Honolulu can be well defended by fortifications costing $5,000,000. General Schofield reported officially to the department that it could not be defended from the land and would be useless as a naval station for that reason. Schofield reported in favor of Pearl Harbor. It will, in any event, take much money to fortify these two places, to say nothing of naval repair shops and sites for same, docks, etc. (We have no adequate docks anywhere.) But when these two harbors are fortified, what have we got? A partial protection of one island containing only about 600 square miles. There are six other inhabited islands, some of which are much larger than Oahu, viz: Hawaii contains about 4,000 square miles, and Maui and Lanui are much more extensive than Oahu. Moreover, the islands are not closely grouped.

The distance between their extremes is some 400 miles. While there are no extensive harbors outside of Honolulu and Pearl, there are yet landing places on each island. Especially is this true of Hawaii. At Hilo there is a wharf in process of construction. Unless a navy capable of successfully meeting any hostile force that may be sent is maintained and retained at the islands they can not be held, even if Pearl and Honolulu harbors are fortified. These ports would be blockaded and a naval station established by the enemy at some other port. The defending navy must protect the very long coast lines of the group, and must patrol 400 miles of water, without taking into consideration the deflections necessary in managing vessels sent from one coast to the other.

The extent of the navy rendered thus essential is problematical. It would depend upon the resources of our enemy. Something over one year ago the English budget showed $100,000,000 appropriated for naval purposes for a single year. The vessels to be constructed with this will form but a small part of the British navy; and if we assume that $100,000,000 worth of hostile fleet is sent to Hawaii, we must be able to prevent a landing, and must consequently have at least enough there to defeat an establishment by the enemy at any point of a naval station or the placing of any considerable body of men on shore. If we were contesting with England, $100,000,000 would not be enough with which to start our island defenses. That sum might do were we contesting with Germany, France, Japan or Russia, Then, have we the supplies necessary to maintain an army and navy?

In the testimony given by General Schofield before the House committee he referred to the possibility of employing natives of Hawaii to defend the island, but when those natives permitted the few individuals who took possession of the island and overturned the former Government to take that remarkable step, when they have permitted that Government to be maintained in spite of their own numerical strength, it is absolutely useless to talk to me, or I think to any one, with effect, as to the ability of the natives to defend anything.

Mr. President, I have heard a great deal about the value of allies in the prosecution of war. I heard a great deal of it in this Chamber for a couple of years when I was unable to vote for the alleged patriotic resolutions, which I did not think patriotic, regarding other people who were in insurgency, and I then said that whenever the American soldier planted his foot upon foreign soil, contesting for dominion, he, under the Stars and Stripes, must win his triumph and that his auxiliaries would be of comparatively little account. Upon a broken reed would this Government rest if she depended upon the natives of Hawaii to defend Hawaii in case of foreign invasion. She must rely upon her own gallant sons, and their blood and their sacrifice alone can maintain her dominion in that distant sea.

Here, as illustrating what I said a moment ago — and I mention it now lest it may escape my observation — no one has a higher regard — and I repeat it — for our soldiers and sailors than have I, but they are not the men to whom our Constitution has intrusted the maintenance or carrying on of civil government. They are not the men who in any age or in any time have been safely given the investigation of those questions which involve the perpetuity of republican institutions. Wise and strong and able and brave though they are, brilliant and magnificent their victories, glorious the pages upon which their deeds are written, yet not to them have been conferred by our wise organic law the duties of the statesman.

Mr. President, when Admiral Belknap was testifying some time ago before the Committee on Foreign Relations of this body, he said:

> Great Britain now has Puget Sound, which she ought not be permitted to hold a single day, in my judgment.

I refer to the report of the Senate Committee on Foreign Relations, February 26, 1894, page 687. If it be true that the testimony was given, and I presume there is no one who will deny it, for it is an official report, we find a very brave and distinguished officer, for whom all of us have the highest regard, asserting that England ought not to be permitted to hold Puget Sound for one minute.

I mention this as showing the different theories upon which the different officials of this Government proceed. Civil matters can not be safely intrusted to the military any more than military affairs can be assigned to civilians. What a peculiar declaration. As the result of an arbitration, which many of us and perhaps all of us here think did not reach a correct judgment, England acquired dominion on Puget Sound; and the Admiral's theory is that because it would be of great advantage to us to possess this region, we ought not to permit England to hold it for a moment. Again do I say that men, however brave and however able, who are engaged in vocations that tempt to conquest, are not good advisers in civil affairs.

When we have paid out enormous sums we have not strengthened our continental possessions at all. The Pacific Coast is in as much danger as ever. We must have an Hawaiian squadron. The enemy will not move his ships to suit us. We can not leave the islands unguarded, because the foe may appear at any time. California is a long distance away and the modern cruiser and battle ship can not go too far from a coaling station. We must defend California by a navy other than that employed at the islands.

Engineer in Chief Melville writes that the battle ship *Oregon*, which is one of our best war vessels, can run at forced draft, if there is no accident, and without recoaling, 2,400 knots. At ordinary cruising rates she could travel 5,040 knots. Under forced draft (16.79 knots per hour) she consumes 253 tons of coal per day, and she can keep this up six days. Under ordinary cruising rates (10 knots per hour) she consumes 73 tons per day, and can maintain this for twenty-one days.

The *San Francisco*, one of our best cruisers, can steam only 1,500 knots forced draft without recoaling, or 2.2 days, and at ordinary cruising rate she can travel 4,104 knots without recoaling. It is therefore evident that if the islands were in the possession of an enemy, that enemy would not send his cruisers or battle ships to California, for if he tarried to fight he would not have coal enough to get home and would float around helpless and useless. The sample cruiser and battle ship which I have named are about as good as any — at all events above the average. I have made these estimates upon the most favorable showing the vessels have ever made. I have no doubt, however, that practically my calculations are too high, as the average ship seldom comes up to the specifications after the actual trial has been made.

Some one said in the House of Representatives that a battle ship of the first class could not be sent safely across the ocean. We have negatived that in the case of the *Oregon,* but because of numerous places at which she was able to coal. As a rule, this is no doubt true. No one would care to encounter a typhoon in a battle ship if she did not have an ample supply of coal.

The above proves that a naval warfare can not be carried on with a base of supplies as distant as Hawaii.

We are told that Honolulu "looks right into" the proposed Nicaragua Canal, and will be necessary for the defense of Brito, the western terminus of the canal. That this is all "moonshine" will appear when it is shown that Honolulu is 4,210 miles from Brito, while San Diego, where we are now erecting a fortification, is only 2,200 miles, and San Francisco only 2,700. Therefore it is palpable that, as San Diego is over 2,000 miles and San Francisco about 1,500 miles nearer Brito than Honolulu, the California points, not Honolulu, must be relied upon. If Hawaii were in possession of an enemy, he could never send a modern battle ship or cruiser to Brito and "stay in a fight," even to say nothing of getting back. His coal would give out and we would tow him into port.

I repeat in shorter form the figures which I have already laid before the Senate in this connection, epitomizing merely what I have said.

We are informed that Honolulu is on the track of oriental commerce and that all vessels from Europe or Atlantic ports, after going through the canal, will make direct for Honolulu, and from there to Yokohama, and that therefore we need the islands to protect canal commerce.

The exact distance from Brito via Honolulu to Yokohama is shown on the official charts to be—

	Miles.
Brito to Honolulu	4,210
Honolulu to Yokohama	3,445
Distance from Brito to Yokohama via Honolulu	7,655

From Brito to Yokohama via San Francisco the distances are:

Brito to San Francisco	2,700
San Francisco to Yokohama	4,536
Distance from Brito to Yokohama via San Francisco	7,236

Hence distance via the San Francisco route is shorter by 419 miles.

Obviously this fact and the other consideration that San Francisco is a most important port will force practically all the canal Asiatic trade that way. This proposition is relied upon, and with reason, by those who think that the canal will help California commerce. The shortest route from Brito to Yokohama passes within 176 miles from San Francisco and more than 1,800 miles from Honolulu. The shortest route from San Francisco to Yokohama passes near the Aleutian Islands and about 1,900 miles from Honolulu. Unless the mariner who uses the canal wants to kill time he will save 419 miles and go to San Francisco. He may save something more by passing within 176 miles of that city.

3. It is said that unless we take the islands some other Government will capture them. In the first place, there is absolutely no evidence to justify this assertion. About half a century ago English and French officers, without authority of their Governments, made demonstrations against the islands. We protested, and England and France at once disavowed the unauthorized behavior of their agents and even offered to join us in securing their permanent independence.

We declined, no doubt, because of Washington's warning against entangling alliances; but England and France, to show their earnestness, made a mutual official declaration on November 28, 1843, by which they engaged "reciprocally never to take possession, either directly or under the title of protectorate, or under any other form, of any part of the territory," etc. Germany has not evinced the slightest desire to interfere, and the same is true of Russia. As to Japan, there is no danger. A dispute as to damages for refusal to permit certain Japanese immigrants to land has arisen, but will be arbitrated. Japan is nearly 3,500 miles from Hawaii, and to defend Hawaii would require an enormous outlay, even more than would be required in our case.

An interesting review of this part of the situation will be found in an article by Minister Hoshi in the last November Harper, to which I have already referred and which is now in the RECORD at length. Japan has every reason to be friendly with us and we with that Empire. The enormous increase in the consumption by that country of our manufactures of steel and iron and of American flour and cotton and the large importation into the United States of Japanese tea, raw silk, etc., are sufficient to establish the absurdity of any talk of war by Japan for the control of Hawaii. If England, Germany, or France waged war against us, their financial institutions, which control to a great extent their policies, would be driven to the wall. The first gun fired at New York by either of these powers would shake Europe to its center and render it necessary to make a new map of that part of the world. If England were silly enough to fight us, she would operate, as far as the Pacific Coast is concerned, from Esquimalt, which is on our borders and where she has one of the finest forts in existence.

For fifty years we have warned European powers away from the Hawaiian Islands. That warning has always been heeded. We are better able to take care of ourselves now than we were then. Where is there any new danger?

If it is necessary to build fortifications and guard the islands, why not improve Pearl Harbor, which was ceded to us by Article II of the treaty of December 6, 1884, by which we were given "the exclusive right to enter the harbor of Pearl River in the island of Oahu and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid?"

4. It is said that the abrogation of the reciprocity treaty will annul the Pearl Harbor cession. This I have already considered.

5. It is said that if we refuse to take the islands our position will be morally weakened. The contrary is true. Under the Monroe doctrine we do not claim or take nor would we have the South American Republics or any of them. The same doctrine has always been applied to Hawaii and its application recognized by all powers. The strength of the Monroe doctrine consists in our abstention from conquest or absorption. We merely warn other Governments not to oppress our sister Republics. If Europe said to us, "Take Mexico, or we will take it," we would reply, "We will not do so, and you must keep your hands off." This long-defined and carefully-regarded policy we apply to Hawaii. If, on the other hand, we shall begin the plan of absorption, we must get ready to take the consequences. Army and Navy must be indefinitely increased. Onerous taxation and centralization will follow. The Monroe doctrine becomes a thing of the past, a myth, a memory, a mistake.

Mr. President, in this connection let us reflect upon the consequences of our attitude upon those whom we have assumed to defend under the Monroe doctrine. In this Chamber we applauded — a most uncommon circumstance — when Mr. Cleveland sent in his remarkable message, in which, in maintenance of that doctrine, he threw down the gauntlet to a mighty Empire, and, though we were unprepared to face any first-class power, we did not flinch. England, taking a correct view of the situation, agreed finally to arbitration, and the incident was, so far as concerned the strained relations, happily closed, and we congratulated ourselves upon this acquiescence in that time-honored declaration.

Mr. President, does it not seem passing strange that at this day, so close to that hour when we were thus demonstrative in favor of that doctrine and declared in this Chamber that it was written so deeply and so firmly in our law that it had almost become crystallized in the Constitution itself — when we made that announcement just a few months ago, did anyone here suppose that we would soon threaten an opposite policy?

We said we would not even interfere with the possessions of foreign Governments upon this continent, but that the Western Hemisphere must be consecrated to freedom, and that wherever Liberty won in the battle she should remain intrenched and unassailed, and the armies and navies of the Republic would defend her against foreign aggression. But this day we are stretching forth for dominion elsewhere; we are abandoning this theory, because we can not with any face or conscience assert that no other nation has the right to invade the sacred precincts of this hemisphere, when we claim the right to go abroad and with the sword bring within our control alien races.

Mr. President, what will be the effect, I repeat, upon our sister Republics on this hemisphere of this "manifest-destiny" talk? They have looked upon us as their powerful guardian, adequate with our giant resources to shield them. They now see us breaking the moorings to which the ship of state was long since attached by patriotic hands and witness us about to engage in spoliation.

Mr. President, is it wonderful that we already hear murmurings, not perhaps very loud, against this policy which we are advocating, murmurings emanating from this continent, from the very peoples with whom we have attempted to form alliances, with whom our statesmen have attempted to make closer relations, from our own hemisphere, from our sister Republics? Naturally the extension of empire will excite jealousy and fear here. If we are to abandon our preconceived and announced theories and go abroad in pursuit of conquests, well may our neighbors say that we are not their defender, and that perhaps they, too, are in danger.

Mr. President, this programme, which according to some we are about to outline, and in the pursuit of which this is the initiative step, must infallibly bring upon us the condemnation, or certainly the warm regret, of every other American Republic. Let us pause a minute if we are to throw away the lessons of generations. If this doctrine has been builded up through so many years and has stood every test to which the truth can be subjected and has been found to be correct, let us not throw it aside in a moment. Neither in the storm of passion nor in the enthusiasm of victory let us discard it.

Remember that it was not conceived in haste and indiscretion, but that it was born of reflection by those who thought and worked for the benefit and advancement of their country. Not in the clash of arms or the sound of martial tread or the acclaim of contesting or victorious armies was this statesmanlike declaration announced. Mr. President, it will be long before I forget it. I do not arrogate any such knowledge as that which is professed by many, leading me to repudiate it as old and worn out. The truth, Mr. President, as well in matters pertaining to statesmanship and civil government as elsewhere, will last longer than one age. Senseless is he who ignores it.

Can we be indifferent, Mr. President, to the voice of those who live upon our continent? We may have power to do so, but the consequences of that indifference may be that instead of being the advocate and defender of free institutions we will become the marauder of nations.

6. It is claimed that annexation will be most beneficial to our laboring interests. This is untrue, and happily the absurdity of the claim is thoroughly appreciated by the laboring people of the United States, who have not hesitated, from their national assemblage to local meetings, to denounce the entire project. If Honolulu is a good place for white labor, why has not such labor gone there? In what direction is the new enterprise to be guided? Everybody concedes that our intelligent white people will not work in the cane fields.

Notwithstanding the talk with reference to the genial character of the climate, it is certain that a cane field is a real furnace. While the temperature runs from 50° to 90°, the very absence of extreme cold and intense heat results in a warm sameness enervating in the extreme. No climate that can produce coffee can be otherwise than unpleasantly warm. The absence of white labor establishes that there is no field for it. Sugar is the great industry. In the year 1897 over 500,000,000 pounds were produced. This is about enough to supply the whole population west of the Missouri River. We hear the claim often that the limit of production has been reached. The same assertion was confidently made when the output was only one-fourth of that of 1897. Sugar is the mainstay of the islands; without it there would be no considerable commerce and no talk of annexation.

Much is said as to coffee raising. Our consul at Honolulu has recently made a full report as to the status of this industry. He shows that the labor is wholly Asiatic; that the Chinese receive $16 per month and the Japanese $15, without board; that the industry is not yet firmly established; that capital is necessary. He ventures the opinion that German labor could be profitably employed in planting, but does not pretend that "picking," the most expensive part of the transaction, can be done by any but inferior labor. The coffee supply of the world now fully equals the consumption. There is no tariff in this country upon coffee. The Hawaiian must compete with the low-priced labor of Brazil and Central America. Manifestly there is nothing in this outlook for either the American farmer or workingman. A few mechanics can get work now and then in Hawaii, but the market in this respect is quite limited.

Much has been said of the intention of the Dole Government to prevent Japanese immigration. That there has been no such intention is evidenced by the documents and facts which I placed before the Senate on yesterday. Not long since, 800 Japanese immigrants were refused landing, and this was the basis for the controversy with Japan, that Government claiming that under existing treaties the interference was unjust. There is in force a convention between the two countries authorizing contract labor to go to Hawaii. This is, of course, the worst sort of immigration. The 800 excluded were not, except perhaps in a few isolated cases, of this class.

The treaty which provides for contract labor can be terminated on six months' notice by either power. Dole has never attempted to end it, but, on the contrary, since the exclusion of the 800 noncontract Japanese, the Dole people, through their board of immigration, have agreed to the landing of 2,000 contract laborers from Japan. The sugar and coffee planters want cheap labor. They run the islands and will continue to do so, and they will have just the labor they wish — cheap labor — the only labor used anywhere in the world by coffee and sugar growers.

If Dole wishes the treaties with Japan modified, why does he not endeavor to procure such modification? If he can not do so unaided, why does he not invoke the friendly offices of the United States?

7. It is said that if we do not annex, Dole and others will divert their trade elsewhere. There is nothing in this. The main supporters and instigators of this treaty are not philanthropists. They are after profits. They trade with us because they make money by so doing. Without any remission of duty they would send their sugar and coffee to us because here is their market. When the McKinley bill interfered with their sugar, they still came here. With the reciprocity treaty in force, they would be insane to go elsewhere. Were it necessary to discriminate to hold their trade, we could do so by a reasonable treaty. As a matter of fact, however, they will, as has been said, continue to deal with the people of the United States for their own financial benefit.

It is said, Mr. President, that there are issues here involving the happiness and prosperity of the sugar trust of the United States. I suppose that upon a matter of international concern regarding a question which involves the alteration of our policy, such a charge will not amount to a great deal; but yesterday the distinguished Senator from Kentucky [Mr. LINDSAY] very thoroughly answered the entire pretense. Certain it is that whenever we have brought within our confines all the great sugar producing regions of the earth — cane sugar, I mean — the sugar trust, so called, will be in clover. It today realizes more from the sugar produced by the planters of Louisiana than from any sugar which it imports, for it does not give those planters, as the Senators from Louisiana well know, the benefit of all the tariff, I suppose, not by at least half a cent per pound.

Whenever the cane-sugar production of the world, oriental and all, is within the United States it is said we may have competition. Mr. President, the competition possible against great trusts is a mere theory. No more could a man with five or ten millions of money engage in a contest against the Standard Oil Company or the sugar trust or any of the other vast combinations in this country than could I, with my microscopic means, engage in a war of the sort with a millionaire.

Therefore this annexation in the end, and pressed to its legitimate results, will have but one outcome, and that directly antagonistic and contradictory to that which is asserted by the advocates of annexation. The sugar trust naturally favors and must favor annexation. But this is a collateral issue, designed merely to divert attention and to attempt by misstatement to lead people through prejudice or passion to vote contrary to their judgment. Those in this section of the country who have always supported the trust are for annexation.

8. The sugar planters, who are not numerous but enormously rich, have reaped their benefits for the most part from the reciprocity treaty with the United States, by means of which we have donated to them $75,000,000 — the extent of their exemption from duty.

They fear that this treaty may be changed and made more truly reciprocal. They therefore are spending time and money to secure annexation, and when this is accomplished their ample income will be made permanent without any benefit accruing to the people of the United States. This accounts for the position of various newspapers and individuals who are interesting themselves vigorously in advocacy of annexation.

9. The character of population we will bring in by annexation, as shown by the last census, is as follows:

Nationality.	Males.	Females.	Total.
Hawaiians	16,399	14,620	31,019
Part Hawaiians	4,249	4,236	8,485
Americans	1,975	1,111	3,086
British	1,406	844	2,250
Germans	866	566	1,432
French	56	45	101
Norwegian	216	162	378
Portuguese	8,202	6,989	15,191
Japanese	19,212	5,195	24,407
Chinese	19,167	2,449	21,616
South Sea Islanders	321	134	455
Other nationalities	448	152	600
Total	72,517	36,503	109,020

We do not exclude Japanese and will not do so if Hawaii is annexed. We exclude Chinese laborers, but we do not drive away those already here. Therefore, the Asiatics now in the islands will remain, and Chinese and Japanese "cheap labor" will be incorporated.

Mr. President, not very long ago the people of this country agitated the question of the restriction of immigration. It is but a few weeks since it was the subject of discussion in this Chamber. It is but a few years ago when it was almost provocative of a revolution upon the Western coast of this country. We then objected to importing Mongolians by the shipload, and now, as remarked to me by a distinguished Senator, we propose to bring them in by the continent load.

We assume to be fond of our laborers, and yet we design importing or forcing into this country by extending our boundary, an element of competition with which our kindred can not possibly hope to compete. When our friends who argue for a protective tariff point to its benefits, they invariably advance or seek to advance the argument that labor should receive munificent reward. In the prospective presence of 7,000,000 of an alien race, able to live upon a few cents a day, willing to work at starvation wages in cotton or woolen mills, we are still told that we pursue a "manifest destiny," that for which political organizations were called into existence. The Democratic party and the Republican party and the Populist party declare they are in favor of further educating and further enlightening our own people. I do not think any great organization in the United States has ever heretofore said that it believed in diluting our intelligence and morality with the ignorance and crime of other lands.

10. We are advised that most of the Hawaiian sugar land is held under lease and that there is plenty of fine land "for the people." Is anyone fool enough to think that the Hawaiian sugar barons will let an outsider in? If our land laws are extended over the islands will the American farmer "get in" first? If there is a general grab, will he be considered? The truth is that it takes a fortune to develop and operate a plantation in Hawaii to get a start, and the poor man will be even less "in it" there than he is here.

11. If there is anything the matter with the Japanese and Hawaiian treaties; if there are troubles with Japan in contemplation; if there is difficulty regarding our improvement of Pearl Harbor, why not tender our good offices and we can fix these matters to the satisfaction of all? If our ability to do this is questioned, I answer, why not try? The advocates of annexation will not permit the making of any such negotiations, because they know that the same would be successful.

It is said that the Japanese and natives will unite and overthrow the Government.

Japan openly disclaimed any such intention. If our interest required it, we would intervene to prevent any such effort.

The answer, however, to this pretense is that it is an annexation bugaboo. It is suggested by the very men who are importing contract laborers now. The Dole Government is doing this through its board of immigration.

12. The present Hawaiian Government was formed as the result of a conspiracy headed by our minister. Its organization is utterly

unfair; its constitution is so framed that the masses of the people have nothing to do with the election of a president, and the natives are and always have been, in fact, disfranchised. They had nothing to do with the organization of the constitution; and yet we are informed that annexation can be accomplished without their co-operation.

13. The proposed legislation is unconstitutional. Foreign territory can only be acquired through the treaty-making power. Our right to so acquire dominion has been maintained since the Louisiana case. It has been recognized by Story, Miller, and all writers upon constitutional law who have given their views upon the subject. This construction of the organic law found direct sanction in the opinion of Justice Clifford in Holden *vs.* Joy (17 Wall., 211).

14. The Texas case does not constitute a precedent, for Texas was admitted under section 3 of Article IV of the Constitution, which declares that "new States may be admitted by the Congress into this Union." The Constitution having thus designated the cases wherein the Congress might exercise jurisdiction to admit, and confined such exercise to "new States," excluded the granting of authority to admit any territory not constituting new States. The provision of section 3 *supra,* giving the Congress power to dispose of and make all needful rules and regulations respecting the territory of the United States, refers to territory acquired not by the authority conferred in that section but pursuant to the treaty-making power.

15. The jurisdiction of the Congress as to legislation is circumscribed by the limits of the United States. Without those limits Congress can not go, unless some explicit power can be shown. Hawaii can be annexed only pursuant to a valid international contract, i. e., a treaty.

16. The cession of nationality is neither an executive nor a legislative function. The Hawaiian Executive or Legislature, or both, have no general authority to alienate their functions and to deed away the nationality which they have been chosen to govern. If such authority exists, it must be discovered in the Hawaiian constitution.

17. The only provision found in the Hawaiian constitution which anyone pretends conveys the right upon Dole and his associates to deed away the Government is found in section 32 of the Hawaiian constitution. That provision is to the effect that the President, with the approval of the cabinet, is empowered to make a treaty of political and commercial union between Hawaii and this country, subject to the concurrence of the Senate.

The power to make a political union does not involve annexation. No one will pretend that authority to make a commercial union affects nationality. Political union does not necessarily involve the extinguishment of either nation. The conferring of this authority upon Hawaii gives no right to sacrifice her entity or to merge the same into the American Republic.

Granting the existence of the power to deed away sovereignty under the thirty-second article of the Hawaiian constitution, such grant has not been made, although a treaty was proposed by Hawaii and agreed upon by the plenipotentiaries of both nations and transmitted by the President approvingly to the Senate. Nevertheless, a treaty being a contract, mutual in all respects, and dependent for its efficacy and validity upon the acquiescence of all parties thereto, and

Article II, section 2, paragraph 2, of our Constitution subjecting the Presidential treaty-making prerogative to the advice and consent of the Senate, and such advice and consent not having been given, it follows that the Hawaiian so-called treaty is yet a mere unexecuted proposition, invalid, unenforceable, and without the slightest potentiality. It is binding upon neither party, and is inadmissible in evidence for or against any party named within it.

The resolution recites that which is absolutely false, for it declares that the "cession" has been made. No cession or grant is of the slightest validity or entitled to be called such until it is effective, binding, and not requiring any acquiescence to make it complete.

The assertion in the general resolution, "the Republic of Hawaii having, in due form, signified its consent in the manner provided by its constitution, to cede absolutely * * * to the United States all rights of sovereignty," etc., is misleading. The consent of Hawaii can not be shown otherwise than by treaty, and a treaty not accepted by the United States, pursuant to her Constitution, is a mere proposition, susceptible of withdrawal by the party proposing it and ignored by the second and material party.

Granting that Hawaii has formally proposed to cede by treaty and that the power of cession is conferred in her constitution, such cession can only become complete when the United States has ratified the treaty and thus made it effective and for the first time assented to the acquisition.

18. The present acquisition threatens our dominancy on this hemisphere, because Mexico and Central and South America have heretofore believed us sincere in advocating the Monroe doctrine. Our abandonment of that doctrine must generate suspicion, impair confidence in our sincerity, and warn our neighbors that we intend to embark upon those marauding schemes which we have always hitherto condemned.

19. The determination of Hawaiian annexation affirmatively is bad enough in so far as the result must be the acquiring of a country for the benefit of a few sugar growers and speculators, yet the serious evil is found in the example set. The Philippines, the Carolines, Puerto Rico, Cuba, and the Ladrones tempt the covetous eye of the modern expansionist.

20. Heretofore we have sought to defend our laboring interests by excluding shiploads of Chinamen. We will soon import continent loads of Malays, Negritos, *id omne genus.*

21. The protectionists of the United States have heretofore declared themselves in favor of advanced wages. The new policy will break down all restraint, for those who are brought within our confines must have equal rights. Slave labor — and all enforced contract toil is slave labor — is tolerated under our Constitution; because it has been held by our Supreme Court that contracts for services may be penally maintained. The labor contracts of Hawaii are, therefore, legally defensible, and it is the policy of annexationists to maintain these contracts. They will vote against the amendment annulling the same.

22. The policy in which we are about to enter will lead to enormous expenditure. The present Congress will be considered most economical in the light of that which is to come. Millions upon mil-

lions for the maintenance of an enormous Army and an enormous Navy are indispensable adjuncts to the expansion theory.

23. The expansion theory will lead us into complications with foreign nations. We will be brought in contact with all sorts of problems which do not now receive any consideration at our hands. We will be warlike and aggressive instead of peaceful, happy, and prosperous.

There are several amendments before the Senate touching this matter, and there probably will be other amendments offered. I do not know that any advocate of annexation will be willing to take the position that any of these amendments ought to be adopted. I suppose that even the amendment which prevents slave labor in Hawaii may be voted down. I presume that the joint resolution in its present untruthful form, stating that there has been a cession when there is no cession, is also to receive the approval of those who are in favor of annexation.

But at least we ought to be willing to submit to the Senate, with confidence in its adoption, an amendment authorizing the people of those islands to vote. I will not go into the character of the organization of that Government. I will not speak of the methods which were employed. The Senator from South Dakota [Mr. PETTIGREW] will more fully and completely cover that subject than I would be able to do, as he is, I believe, more familiar with it, though I have given it some study. But if ever there was a time when the American people should be careful not to incorporate within their confines any of those who do not wish to come in, it is now. Why not, then, adopt the amendment permitting a vote?

Mr. President, I sympathize with the views expressed by the distinguished Senator from Massachusetts [Mr. HOAR], as every one, I presume, here knows, with reference to the extensions of dominion; but he must remember, when he asserts that the annexation of the Hawaiian Islands does not mean such extension, and can not be quoted in advocacy of that extension, that that argument is not recognized as valid by the advocates of a broader policy. They hail him as a powerful colaborer in the cause.

Captain Mahan, from whom the advocates of annexation have often quoted, has said in an article published by him and called "Hawaii and our future sea power."

> The United States finds itself compelled to answer a question — to make a decision — not unlike and not less momentous than that required of the Roman senate when the Mamertine garrison invited it to occupy Messina, and so to abandon the hitherto traditional policy which had confined the expansion of Rome to the Italian peninsula.

Again he says:

> This is no mere question of a particular act, but of a principle, a policy, fruitful of many future acts, to enter upon which, in the fullness of our national progress, the time has now arrived. The principle accepted, the annexation of Hawaii would be no mere sporadic effort, irrational because disconnected from an adequate motive, but a first fruit and a token that the nation in its evolution has aroused itself to the necessity of carrying its life — that has been the happiness of those under its influence — beyond the borders that have heretofore sufficed for its activities.

There is a very brief comment taken from the Nation upon this article, which I will read:

That is precisely the way to put it. "This is no mere question of a particular act, but of a principle, a policy, fruitful of many future acts." As such it is as important as anything which has occurred in the United States since the adoption of the Federal Constitution, and as such it ought to be debated. Considering this, the way in which the subject has been for four years left in the hands of sugar and other speculators, and bandied about as a means of making money for a few sons of missionaries, of keeping England out of an island, of curing lewdness and heathenism, and of securing a lockless "key," is certainly very odd.

* * * * * * * *

Congress is becoming more and more aware of the gravity of the scheme. Captain Mahan has laid it perfectly bare. His illustration from the history of Rome is most apposite. When the senate directed the consul to occupy Messina, it launched Rome on a new career, which was to build up the Roman Empire, but it sealed the fate of Roman republicanism. The age of Cato and Scipio and Gracchus, the age of liberty and law, had come to an end. The age of Marius and Sylla and Pompey and Caesar and Augustus and Caligula had been entered on. The empire had begun. As soon as provinces began to be acquired by conquest or fraud the rule of the people ceased and the oligarchical senate took charge.

The senate had not been long in charge before the "princeps" or "boss" made his appearance and told it what laws to pass and how the sham offices should be filled. And the princeps had not been long in command before the soldiers who won and held the provinces made their appearance and put his office up at auction. And then in another brief period, the whole fabric built up by so much valor and ambition and love of "expansion" fell into hideous ruin. If it does not point a moral as well as adorn a tale, no event of human history is fitted to do so.

Mr. President, it is unfair and wrong to charge those of us who oppose annexation with want of patriotism. I can understand that somebody who may have a financial interest in the result of this contest, who may, for instance, hold stock in some Hawaiian sugar companies, may do this, but those of us who are here in opposition to this scheme earnestly believe that its accomplishment will bring great disaster upon the Republic.

We glory in the triumph of our arms, in all that the American citizen should deem worthy of praise, and we resent as infamously untrue any imputation to the contrary. Upon the deck of every battle ship where American blood has been poured, upon every field where American valor has transmitted to posterity in imperishable message the grandeur and splendor of her name — we have an interest in all that we have a share — it is the common heritage of American citizenship. Therefore, sir, when we contest for what we conceive to be the truth and the right we but exercise a right and perform a duty.

The expressions of the Senator from Massachusetts [Mr. HOAR] in the early part of his remarks this morning regarding the duty of a Senator were very appropriate.

I have noticed, so far as I am personally concerned, that I have been attacked because in the Legislature of my State in 1893 a resolution favoring annexation was passed. To show the absolute impossibility of following any rule, if it can be called a rule, of that kind I will place in the RECORD as a part of my remarks the vote in the very next California Legislature two years afterwards, in which in the State Senate the Hawaiian resolution was defeated, the vote being 9 to 222, the negative being composed of all the Democratic members and a majority of the Republican members. Of course if we are to be guided by an inspiration of this kind, I presume the last expression must be deemed more binding than the first.

Assembly joint resolution No. 8, relative to the annexation of Hawaii, was introduced January 24, 1895, by Assemblyman Bremster C. Kenyon, of the Seventy-second District (Los Angeles), and referred to Committee on Federal Relations. — *Assembly Journal,* page 156.

The resolution was favorably reported from committee on January 31, 1895. — *Assembly Journal,* page 206.

The resolution was read and adopted February 18, 1895. — *Assembly Journal,* page 458.

The resolution reached the Senate in message February 18, 1895, and was referred to the Committee on Federal Relations and Immigration. — *Senate Journal,* page 552.

The resolution was reported favorably to the Senate from committee and made special order for same day at 3:30 p. m. February 27, 1895. — *Senate Journal,* page 701.

The resolution was not reached at 3:30 p. m. February 27, 1895, and was made special order for March 1, 1895. — *Senate Journal,* page 708.

The resolution was refused adoption, upon the roll being called, by a vote of 22 against and 9 for, on March 1, 1895.—*Senate Journal,* page 750.

The resolution was defeated by the following vote: Ayes, Senators Beard, Franck, Henderson, Orr, Pedlar, Shine, Simpson, Voorhees, and Withington—9. Noes, Senators Arms, Androus, Bert, Burke, Denison, Dunn, Fay, Flint, Gesford, Gleaves, Hart, Hollaway, Mahoney, Martin, Mathews, McAllister, McGowan, Seawell, Seymour, Shippee, Toner, and Whitehurst—22.

I take it that those of us who have come here, representing as we all do able and strong constituencies, are expected to exercise our judgments in accordance with the dictates of our consciences and the theories of government as we understand them. We are here with some independence of character, I trust, and sworn to follow a Constitution which we can not afford to violate as we interpret it, even though we are instructed to do it by the combined vote of the American people. We strive to do our duty. In this way only can we expect or do we deserve respect.

I have the greatest confidence in the wisdom, the candor, the absolute ability of the American people, but it is impossible for me as an individual to know as much of a given question as another who has contributed toward it more thought, who has examined it with more care, who has studied it with more painstaking deliberation, and who has had the weight of its decision directly upon his shoulders. So it takes time for these matters to be understood. They are not to be solved in an instant. Hence that legislator who follows what he concedes to be his duty in a matter involving principle and affecting, as he understands it, the basic principles of government is right. The legislator who does not thus act is wrong and proceeds contrary to his obligations, whether he be in this Chamber or elsewhere.

The exciting incidents surrounding us may influence some, but no action we may take regarding this resolution can have the slightest effect upon the pending conflict. We will proceed until victory perches upon our standard and until conquest after conquest shall attest our superiority. The difficulty will come later on. Stirring scenes may be in store for us. Battles may be fiercely waged. This will be so no matter what may be done regarding Hawaii.

The influence of our action here is in another direction, and bears upon final settlement. I fear the effect of the example. I regard with deep solicitude the possible changes of our tried and true policies. If annexation must come, it will be the hope of those who have opposed its consummation, with all the power at our command, that our views may have been mistaken. It will be our prayer that this great nation will not proceed upon a career of conquest; that she will not teach her sons and daughters that in the glory of martial triumph is to be found the supreme happiness of freemen. When the battle tide has passed and the calmness of reflection is about us, may we wisely consider those important teachings handed down from the great and gone, and may we never forget that not within our little circle nor in our little day has been discovered all the wisdom of mankind, and that we are perhaps becoming heedless of the lessons that philosophy and patriotism have inculcated since the morning of time.

REMARKS MADE BY STEPHEN M. WHITE OF CALIFORNIA AND OTHERS IN THE SENATE OF THE UNITED STATES.

The Senate having under consideration the bill H. R. 4864, to reduce taxation, to provide revenue for the Government, and for other purposes, the following discussion was had:

ZANTE CURRANTS.

Mr. ALDRICH. This proposition has another phase, to which, I think, the attention of the Senate ought to be called. The proposition, as I have suggested, is to impose a duty upon Zante currants of from 150 to 300 per cent. ad valorem. This phase of the question has been called to the attention of the Government of the United States by a representative of the Greek Government in the city of New York, and I ask leave to insert in my remarks his letter to the Secretary of State and the Secretary of State's response. I shall not stop to read them.

The PRESIDING OFFICER. The letters will be inserted, in the absence of objection. The Chair bears none.

The letters are as follows:

[No. 1947.] CONSULATE-GENERAL OF GREECE.
New York, May 19, 1894.

SIR: I have the honor to call, most respectfully, the attention of your excellency to the enormous import duty which, in the amendments to the bill (H. R. 4864) submitted to the Senate on the 7th instant by Senator JONES, is put on Greek currants, commonly called "Zante currants."

In the tariff bill, which passed the House of Representatives February 1, currants in general, including Zante currants, are taxed 10 per cent. ad valorem.

In the Senate bill (H. R. 4864), currants in general are taxed 20 per cent. ad valorem, as follows:

"Art. 213 a. Currants, 20 per cent. ad valorem."

But in article 217 (H. R. 4864), a discriminating duty is put on "Zante currants," which are taxed 20 per cent. Said article reads as follows: "Art. 217. Plums, prunes, figs, raisins, and other dried grapes, including Zante currants, 30 per cent. ad valorem."

It will thus be seen that a discrimination, amounting to 10 per cent., is distinctly made against this product of Greece.

But this is not all. In the amendment proposed by Senator JONES and made public on the 7th instant, "Zante currants" are taxed 1½ cents per pound. This duty, at the present price of currants in Greece (1 cent per pound), amounts to 150 per cent. ad valorem, and on this basis a discriminating duty of 130 per cent. is put on this product of Greece.

This is contrary both to the spirit as well as to the letter of the treaty of commerce and navigation between the United States and Greece, signed in London, December 10-22, 1837, and which is still in force. Article VIII, paragraph 2, of said treaty reads as follows:

"Art. 8. And, reciprocally, there shall not be established in the United States of America, on the products of the soil or industry of the Kingdom of Greece, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other country."

As by the aforesaid amendment to the tariff bill a discriminating duty of 130 per cent. is proposed to be levied on a product of Greece, I trust that your excellency will call the attention of Congress to this important point, so that any action as to the duty on "Zante currants" may be in conformity with treaty stipulations, as well as with equity and justice towards a nation with which both the Government and the people of this country are on the most friendly relations.

We do not object to the duty of 10 per cent. ad valorem, as per House bill, or even to 20 per cent. as it was originally put in the Senate bill. But the proposed duty of 1½ cents per pound, amounting to 150 per cent. ad valorem, is clearly a violation of treaty stipulations by discriminating against a product of Greece, and I hope that the United States Government will bring the proper redress by pointing these facts to the gentlemen who have in charge the tariff bill now under discussion in the Senate.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

D. N. BOTASSI,
Consul-General of Greece.

HON. WALTER Q. GRESHAM,
Secretary of State, Washington, D. C.

DEPARTMENT OF STATE, *Washington, D. C., May* 25, 1894.

SIR: I have the honor to acknowledge receipt of your communication of the 19th instant, relative to the alleged proposed discrimination against Greek currants in the tariff bill now pending in Congress, and to inform you that copies of your letter have been sent to the chairman of the Finance Committee of the Senate, and to the HON. JAMES K. JONES, who proposed the amendments to which you refer.

I am, sir, your obedient servant,

EDWIN F. UHL, *Acting Secretary.*

D. N. BOTASSI,
Consul-General of Greece, New York.

Mr. ALDRICH. It is safe to add——

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. WHITE. I should like the Senator to have further time, as I shall also desire an extension of time when I reply to him.

The PRESIDING OFFICER. Is there objection?

Mr. ALDRICH. I have no objection to the Senator from California going on now.

Mr. WHITE. I would prefer the Senator to say what he has to say, and then I will reply.

The PRESIDING OFFICER. The Senator from Rhode Island will proceed.

Mr. ALDRICH. The consul-general of Greece calls the attention of the Government of the United States to the treaty between the United States and Greece, signed at London on the 10th of December, 1837, the eighth article of which reads as follows:

> And, reciprocally, there shall not be established in the United States of America, on the products of the soil or industry of the Kingdom of Greece, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature, the growth of any other country.

This bill in terms fixed a rate upon currants other than Zante currants of 20 per cent. ad valorem, but upon Zante currants 1½ cents per pound, or, as I have already stated, from 150 to 300 per cent. ad valorem. Now, what occasion is there for such treatment of the products of a friendly country? The importation of currants from Greece forms a considerable portion of our imports from that country. We send to Greece petroleum and other valuable products of the United States.

The Senator from Texas and other Senators upon the opposite side of the Chamber have repeatedly called attention to the fact that there is a necessity for encouraging trade between our own country and the various countries of the world. Here is a proposition to put a prohibitory duty upon the principal article of commerce of one of the countries of Europe, and a proposition made, so far as I can see, without the slightest reason in any economic theory. It is a proposition to prohibit the importation into the United States of an article not exactly the same in nature, but because it comes, or some people in California fancy it comes, in competition with one of their products. A more flagrant example of the discriminations of this bill or of legislation for a particular class of people in a particular locality and against the interests of all the rest of the people of the country can not be imagined.

Mr. WHITE. Mr. President, the Senator from Rhode Island [Mr. ALDRICH] is always very ready at discussion, but in the present instance he has stated a great many things that are not true, arising probably from a lack of knowledge of the entire truth regarding this particular matter.

Personally, let me say to that Senator, that when he states that this amendment regarding currant raisins was made for the purpose of obtaining my vote, he states that which is false. So far as I am concerned, I shall support any bill which the Democratic majority agrees to here, any bill that will tend to reduce and will reduce the charges made in the McKinley enormity. The Senator should not be so flippant in his assertion and so unjust to an associate as to make a statement of the character that he has made here.

Mr. ALDRICH. I am sure the Senator from California does not desire to do me an injustice. I said, as the RECORD will show, I could conceive of no other reason than this. I did not say this was the reason, but I can conceive of no other reason why this change should be made.

Mr. WHITE. The Senator's conceptions beget nothing unless they are intended to reflect upon the party to whom he addresses them. I shall have occasion to say hereafter (I have said but little heretofore, because I did not wish to add to this debate or procrastinate it) that so far as I am concerned there can not be too large a free list to suit me. But I desire this bill to be harmonious — as far as circumstances will permit. I do not suppose anyone can make an absolutely harmonious tariff bill.

Now, the so-called Zante currant is nothing more nor less or other than a grape.

As I do not wish to take the time of the Senate in reading evidence, I will present definitions from standard authorities, which I will ask to have inserted in the RECORD.

The PRESIDING OFFICER. The statement will be inserted in the RECORD, in the absence of objection. The Chair hears none.

The statement is as follows:

> Currant, from Corinth, in Greece. A common name of a kind of small raisin (uva passula minor), the dried berry of a seedless variety of grape, which is cultivated in the Levant.
>
> Currant, so called from its resemblance to the above fruit; the popular name of the berries of certain species of ribes. — *Johnson's Universal Cyclopoedia.*
>
> Currants: The dried seedless fruit of a variety of the grapevine, etc.
>
> The currants of British kitchen gardens are the produce of ribes * * * deciduous shrubs, etc. — *Cyclopoedia Britannica.*
>
> Currants: A small kind of raisin are the dried red or blue berries of a small fruited seedless variety of the common vine, which is cultivated in the East, and especially in Greece.
>
> Currants: A name originally belonging to a small kind of grape, and transferred in consequence of the similar size of the fruit to many berries of the genus ribes.—*Chamber's Encyclopedia.*
>
> A very small kind of raisin or dried grape imported from the Levant.—*Century Dictionary.*

Mr. WHITE. The Zante currant grows in bunches similar to the Zinfandel grape. The Zante grape, however, is white and not as large as the Zinfandel, but the bunch is formed as is the Zinfandel. The ordinary currant, which is known generally as the English currant, is a wholly different product. It bears no relation whatever to the Zante currant, and is like it in no respect.

Now, in California, which is the only State in the Union growing raisins or currants, though other localities are adapted to the production, there was produced during the last year a supply almost sufficient for the United States. I wish to say to the Senator from Rhode Island that the statement that California is not brought into competition with Zante currants is untrue. In the first place, we raise the true Zante currant. I have in the cloakroom here, open to the Senator's inspection, the Zante currant proper, raised in California. The seedless Sultana, which is utilized for exactly the same purpose, is even better for the purpose. The Thompson seedless, which is another variety of the same kind of grape, and the Muscatel seedless, which is also a third variety of grape, may truly and properly be called a currant.

Mr. ALLISON. Where are they sold?

Mr. WHITE. They are sold in New York. I have a number of them here. They are present in the cloakroom.

Mr. ALLISON. At what price?

Mr. WHITE. The wholesale price I can not state, but I will say to the Senator that the grapes in question of the last season sold in New York, sweet California grapes of the choicest varieties, from 8 to 10 cents down to 3 cents a pound.

Furthermore, in the McKinley act a duty of 2½ cents a pound was imposed upon raisins, and it was announced to our people in California that that imposition was made for the benefit of local horticulture. When I, accompanied by one of the most distinguished Republican orators in the State, canvassed that State, my eloquent opponent was loud in his asseverations that if the people desired to preserve the raisin industry they must look to the Republican party for it. It will be with pride and satisfaction, I know, that that same eloquent gentleman will read during the coming campaign to the same audience he then addressed the statement just made of the Senator from Rhode Island — the leading protectionist of this body.

I have not opposed a reduction of the raisin duty to 1½ cents a pound, because I believe that that is a revenue duty and will yield most largely to the Treasury. I have, at the same time, asked the committee, giving them data which they did not possess before, and which I do not think the Senator had examined, conclusive of the justice and consistency of my claim.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. ALDRICH. I hope his time will be extended. I make that request.

The PRESIDING OFFICER. The Senator from Rhode Island asks that the time of the Senator from California be extended. Is there objection? The Chair hears none, and the Senator from California will proceed.

Mr. WHITE. I asked the committee to place a duty upon currants and upon all dried grapes equal in amount to raisins, not because the currant was to be excluded, but for the expressed and well-grounded reason that currants and raisins are identical in nature. I know of no instance where a difference has been made in the grades of other fruits. Why should different specific duties be imposed upon various grades of raisins, thus discriminating in favor of other products? I ask that all raisins have a uniform rate, and that it be 1½ cents a pound — 40 per cent. less than the raisin duty of the McKinley bill.

Will Senators strike out the duty upon raisins in general, and make them absolutely free? This is not a Southern sectional interest, and should not therefore fill Republican breasts with horror; it is a California interest. This is a sectional interest, I suppose, because raisins do not grow where the Senator from Rhode Island grows and has grown. But it is not intelligently controverted that the Zante currant is a true raisin, and that imported Zante currants are brought here in large volume and constitute a proper article for revenue, and should be subjected, with other grapes, to a reasonable rate of duty. It is begging the question to compare our seedless grapes to Zante currants. All are grapes. Give us a uniform rate.

Mr. President, all the fruits, everything upon the schedule we are considering, are grown in California. The duty has been reduced all along the line. I asked the committee to fix this duty, and gave them the facts, and they logically did so, upon the evidence, not in response to any demand or threat of mine, for nothing of the sort occurred. I would not have made any threat even had it been necessary to obtain a concession in the bill. The committee learned the facts and ruled accordingly.

The Grecian Government is solicitous in this case. The consul-general of Greece, a very excellent gentleman, has interested himself about this matter; even in these environments I do not complain particularly now of that. I have no doubt he has interviewed the Senator from Rhode Island.

But the Grecian consul will not deny to me or to anyone cognizant of the facts that the Zante currant is an absolute raisin. He knows better. So do I. I think that paragraph 213*a* should be stricken out. It involves the interpretation of the other section. I think it has been left by mistake. With the exception of the Zante, no currants are brought here of the character of those regarding which I am speaking.

Mr. ALDRICH. No, they are not brought here.

Mr. WHITE. Not the common English currant; but there are currants imported from other countries.

Mr. ALDRICH. The Zante currant is the general name of the class.

Mr. WHITE. It applies to all fruit of that kind, of course. Perhaps the word Zante currant, or other dry currants, would more fully cover the subject, but so far as English currants are concerned, there is no desire to impose any duty upon them. I do not think they are worth imposing a duty upon. But when the Senator from Rhode Island asserts that there is any inequality in this duty he makes a mistake. A duty upon Zante currants was omitted from the McKinley act — not, I suppose, for the purpose of deluding voters or deceiving anybody, but because the committee were misled. Others had made the same mistake before. Those of us who are familiar with the subject know that the duty upon raisins should be so framed as to cover all classes of raisins, and that currants constitute one of those classes directly competitive with our industry in California.

Moreover, a duty upon Zante currants will result in heavy revenue. When the duty was as high as 2½ cents a pound there was a revenue realized during one year amounting to $286,000; and when it was 1 cent a pound there was a revenue reaching all the way from $193,000 to $260,000 per year. When even 5 cents per pound was levied the customs returns were large. The pretense, then, that the duty here suggested is prohibitive is wholly without foundation. The duty proposed is a revenue duty. Moreover, there are few nations which do not exact a duty upon currants. Canada levies 1 cent per pound upon currants. Greece levies upon all kinds of dried fruit between 1¼ and 4¾ cents a pound. France levies a high duty. New South Wales levies as high as 4 cents a pound. Russia exacts about 3 cents per pound; Norway a large sum; France about 1½ cents per pound; Austria 2½ cents; Belgium 2 cents; Germany about 2½ cents per pound. The amendments of the committee should, with the exceptions which I have indicated, be adopted. This should be done on a revenue basis, regardless of the wishes of Grecian representatives.

Mr. ALLISON. Mr. President—

Mr. CHANDLER. Will the Senator from Iowa allow me to ask the Senator from California a question? I ask him upon what principle he advocates the imposition of a duty of 300 per cent. upon currants?

Mr. WHITE. It is not proposed to impose a duty of 300 per cent. upon currants. I treat currants, I will say to the distinguished and always sincere Senator from New Hampshire —

Mr. CHANDLER. I am sincere now.

Mr. WHITE. I am glad of it. As raisins, in accordance with the fact. There is no such duty upon raisins.

Mr. CHANDLER. What is the principle upon which the Senator votes to give them this high duty?

Mr. WHITE. It is a very low duty, possibly below the revenue point.

Mr. ALLISON. Mr. President, I am willing to vote to give full protection to all the articles produced in California. I should be willing to join the Senator from California in imposing a higher duty than is found in the bill upon plums, figs, etc. It is a reduction in that sense from the McKinley act. But I do not believe that it is wise for us to impose a duty such as is proposed here upon Zante currants. They are sold in New York City, as stated, by the wholesale dealers there at from 1 cent to 1½ cents per pound. So that the duty must be, upon the foreign value, nearly as stated by the Senator from Rhode Island.

Mr. WHITE. Will the Senator allow me to ask him a question? What effect does he think the importation of the quality of goods that can be sold in the New York market at that rate will have upon the raisin business to which the Zante currant belongs?

Mr. ALLISON. This is an article that is largely consumed in our country. I should be willing to impose a duty here, as the committee originally proposed, of 30 per cent. ad valorem; or if it would satisfy the Senator I should be willing to impose a duty of 50 per cent. ad valorem upon this article in order that it might afford, what the Senator says he desires, full and ample protection to the production of similar articles in California; but to take an article from the free list and impose a duty certainly of 100 per cent. upon the domestic price in New York is a thing which I do not think the Senator from California can defend himself upon.

It is a duty of from 150 to 200 per cent. upon the value of an article abroad, as the values of all these articles are estimated upon the market value of another country.

Zante currants are just as well known as an apple is known as distinguished from a gooseberry. Therefore there is no difficulty in taking Zante currants out of the general provision here and making a special regulation for them. I am willing to give the Senator from California ample protection, and I hope he will consent to an amendment which will make Zante currants special and provide for a duty (if he thinks he can not get along with less) of, say, 50 per cent. ad valorem. I do not know but that I should be willing to go even higher than that.

Mr. TELLER. What is the present duty?

Mr. ALLISON. They are on the free list. Here is the transfer of an article of commerce that is just as well known, I repeat, as the apple or lemon or orange is known.

Mr. WHITE. Does not the Senator make a difference in the grades of apples and lemons? The Zante currant is nothing but a grade of grape.

Mr. ALLISON. It is well known in commerce. I am speaking of commerce. It is a distinct thing from anything produced anywhere else.

Mr. CHANDLER. Where are they produced—in this country?

Mr. ALLISON. They are not produced here. There is, as the Senator from California very justly says, a seedless grape—

Mr. WHITE. The Senator is mistaken. The Zante currant is itself produced here. I have some Zante currants in my possession grown in this country that will perhaps convince the Senator of that fact.

Mr. President, the statement made by the Senator from Rhode

Island, that he knows all about this matter, removes any possible excuse for his original remark. With that statement, I will dismiss that part of his argument.

When the Senator speaks of a duty of so many hundred per cent. he exaggerates the situation. If it were true as regards the currant, so called, I say the argument is a sophistical one, for the reason that the currant, so called, is nothing else scientifically, commercially, and horticulturally, than a grape, and I have proved that. Anyone who knows anything about the subject knows it, and if the Senator is conversant with the facts he is aware of it.

So far as the treatment of my State is concerned, let me say to the Senator from Rhode Island that the protected industries within his State furnish stronger testimony in refutation of his statement here than any argument I could make.

The State from which I come, Mr. President, is interested in having many articles on the free list upon which a protective duty has been granted by the committee, I may say, in deference to the wishes of the part of the country from which the Senator from Rhode Island hails. But he comes here utterly unreflective, so far as the granting of favors or concessions, or justice, if he would call it that, to the industries of his section is concerned, and boldly attacks the committee because they have recognized, perhaps, the interests of some other part of the United States than his own.

Mr. SHERMAN. Mr. President, the vote taken when I was absent temporarily fixing a duty of 1½ cents a pound on Zante currants seems to me a gross injustice to a country with which we have considerable commerce, and with which we have an increasing commerce.

I have some facts, which I have received from the representative of that Government in respect to Zante currants. If the statements are true—and I have no doubt they are, because they are verified from the market quotations in the city of New York—it is a grossly outrageous duty on what is commonly called the raisin of the poor. The statement I have shows conclusively that Zante currants are now quoted in the market of New York at about 1¼ cents a pound. This, therefore, would be a duty of 125 per cent. upon Zante currants, which are imported in large quantities, and which are used mainly by the poor people in their puddings, etc., as a substitute for raisins. Large quantities of currants of that kind are imported. I shall read what is said here in a communication which I have before me:

CONSULATE-GENERAL OF GREECE, 33 SOUTH WILLIAM STREET.
New York, May 12, 1894.

SIR: In the tariff amendments just presented in the United States Senate (article 217), I notice that a duty of 1½ cents per pound is put on Zante currants, which are produced exclusively in Greece.

This enormous duty is equivalent to 125 per cent. ad valorem, the average price of currants in Greece being about 1¼ cents per pound. They are selling now in New York from 1¼ to 1½ cents per pound.

Zante currants, now on the free list, are taxed 10 per cent. ad valorem by the House bill. In the Senate bill the duty was increased to 20 per cent.; then the Finance Committee increased it to 30 per cent., and now in the amended bill a specific duty of 1½ cents per pound is put thereon, equal to 125 per cent. ad valorem.

And yet it is a fact that Zante currants do not come into competition with any product of this country. A small raisin produced in California has nothing whatever to do with the Zante currants of Greece.

We only demand justice. We do not compete with your products. We buy in the United States every gallon of petroleum that is consumed in Greece, as well as all our agricultural implements, and yet it is proposed to tax at the enormous rate of 125 per cent. the only article that Greece sends to this country.

The whole tariff does not offer an example like this, viz: Take an article from the free list and tax it 125 per cent. Is this not a great injustice done to a friendly country, and will it not affect the promising trade which was just being developed between the two countries?

Very respectfully,

D. N. BOTASSI,
Consul-General of Greece.

HON. JOHN SHERMAN,
United States Senate.

It seems to me that this statement which is made, and I have no doubt truly, by a responsible party, the consul-general of Greece, shows that we ought not to make this discrimination against that important product of Greece, the only thing we import from that country.

As the vote has already been taken, I do not care to move to reconsider, because I hope Senators on the other side having the matter in charge will correct it.

There is no similitude in the use or cost of Zante currants and raisins. Raisins are worth 2, 3, 4 or 5 cents a pound, and the raisins of California are very beautiful, probably the best raisins in the world. I have seen specimens of those raisins which are equal to any produced in the world. To make such a change in the duty on this article, which does not really compete with the raisins of our own country, seems to me at least extortionate, and I think it ought to be corrected. I should have no objection, however, to putting a reasonable rate, an ordinary ad valorem rate, on raisins; but to apply a specific rate to these two articles, which differ so widely in value, raisins being worth at least four or five times as much as Zante currants, is not just to a friendly country, especially to a small country which has an increasing commerce with our own.

I hope Senators will take the matter under consideration so that it may be called up again when the bill is reported to the Senate. I call attention to it now, but shall not put the Senate to the trouble of taking a vote upon it.

Mr. WHITE. Mr. President, if the Senator from Ohio [Mr. SHERMAN] had been here when the subject was being discussed, he would have known that some of the statements he has made are not correct. The statement that there are no Zante currants raised in California and that this article does not come in direct competition is not true, whether it is made by a man from Greece or a man from anywhere else. This is a contest between California and Greece, upon which the great protectionist of the United States, the Senator from Ohio, is on the side of Greece. I have voted for a duty upon iron ore; I expect to vote for a small duty upon coal. I am sorry that I shall do so —

Several SENATORS. How about lumber?

Mr. WHITE. We shall see about that hereafter.

The Senator from Ohio is very glad to avail himself of the aid of such votes as may tend to give protection to the industries of his State; but when California, away over across the mountains, is interested and asks for a duty, which is less than at any time heretofore has been imposed upon this fruit, and which also, by the way, yielded a large revenue, we find the Senator here talking about the poor man. The Senator from Ohio, and those who are today talking as he is talking, have been, I suppose, solicitous for the interests of the poor man when they formulated a bill prescribing prohibitory tariff rates.

A cent and a half a pound upon all dried currants will be no prohibition, as the experience of the country has shown. The duty upon raisins, no matter at what you put it, affords but comparatively a small amount of revenue, and absolutely none of that protection about which the Senator has so often talked, to the raisin industry of California.

I desire to say to my friend, the Senator from New Hampshire [Mr. CHANDLER] — who spoke sometime ago, and whose remarks are so facetious, I understand, that he is unable to publish them in his own paper—when he states that in my canvass in California I ever said anything on this subject different from that which I state here, is also making a declaration which would not look well published in his newspaper, which I suppose, without a violent stretch of the imagination, may be called truthful.

Mr. FRYE. What is the question before the Senate?

Mr. WHITE. To strike out paragraph 213*a*.

Mr. SHERMAN. I had the pleasure of hearing most of what the Senator from California said in his previous speech, although I was called out during a portion of the time. I say there is no such duty in the McKinley law—

Mr. WHITE. Will the Senator allow me?

Mr. SHERMAN. Let me get through.

Mr. WHITE. Very well.

Mr. SHERMAN. This rate of 125 per cent. on an article which does not directly compete with the raisins of California does not seem necessary.

Mr. WHITE. That is an extraordinary statement.

Mr. SHERMAN. Under the McKinley act these currants were admitted free. Why? Because they did not come in competition with the raisins of this country. The raisin is quite a different article, an article consumed mainly by the rich. The Zante currant is consumed by the poor. Here is a discrimination which is not made in any other article on this list. It is an outrageous tax upon a popular article of food; and I think there is nothing like it in any tariff act. That we should protect California raisins, which are cheerfully purchased at 3½ to 6 cents a pound, and put the same tax upon articles which are sold here in the market at 1¼ cents a pound, is unjust and wrong, I do not care who it is for, whether for the rich or the poor, or whether it is from Greece or my own country.

I feel bound, in representing the people of the United States, to do justice to every country and to deal with all foreign countries alike. The making of a discriminating duty of this kind against a comparatively poor nation like Greece, will not, I think, be approved by the American people, anywhere, whether rich or poor.

I think, therefore, a reasonable rate should be put upon this article, at least sufficient to furnish some revenue. Ten or twenty per cent. would be a high rate. I had rather have a specific duty, and a small rate of duty; I think one-fourth of a cent a pound would be ample; that would be 25 per cent. on this article, but to carry the doctrine of protection to the extent the Senator from California does, I think, is an exaggeration. It is placing 125 per cent. on a cheap article of food.

The people of California do not need such a protection. If they can raise Zante currants in competition with Greece, they will have to sell them in the market at one cent and a quarter. You can not compete with the Zante currant. It is only raised in Greece, and there is a difference, I am told, between the Zante currant and the small raisin produced in California. These gentlemen speak of that difference, and say the two articles do not compete with each other in any respect whatever.

Mr. WHITE. We raise the Zante currant itself in California.

Mr. SHERMAN. These gentlemen deny that.

Mr. WHITE. Then they do not tell the truth, for I have some of them here, and have seen them growing.

Mr. SHERMAN. Perhaps the consul-general of Greece should know as much about that matter of fact as the Senator from California.

Mr. WHITE. I would ask the Senator how that can be, when the consul-general is in Greece and I have been in California, and consequently know that he does not tell the truth.

Mr. SHERMAN. The Senator has not compared the Zante currant of Greece with the Zante currant of California. The consul-general of Greece, who is here and has been living in this country, I think would probably know more about that than the Senator, notwithstanding his knowledge extends to a multitude of things.

JUTE GRAIN BAGS.

Mr. ALDRICH. I was talking about the difference between burlaps and bags. I was stating that the committee in this case gives 7½ per cent. additional protection to bags over burlaps, and that the cost of making grain bags from burlaps does not exceed four-tenths of a cent a pound; and that that 7½ per cent. imposes the equivalent to three-tenths of a cent a pound, or about 300 per cent. upon the entire cost of making those bags from burlaps in Calcutta. I am not saying that is excessive, but I am only stating the different methods by which these two different articles are treated.

I repeat, burlaps less than 60 inches in width have not been made very much in this country, and under the rates of duty which were imposed by the act of 1890, or under this bill, they will not be made in this country, but burlaps exceeding 60 inches in width can be made and are made at the present time, and they are entitled to a higher rate than the duty upon all yarn. That is the contention I make.

Mr. WHITE. Mr. President, I desire to say one word at this point. If there is any criticism to be made upon this schedule it is that the tariff, as suggested by the Senator from Missouri, may be too high upon some particular article. Certainly it is not as low upon any of the articles named in paragraph 270. The grain bags mentioned in that paragraph are utilized almost entirely upon the Pacific Coast. Nearly the whole consumption occurs upon the Pacific Coast, because there wheat is placed in sacks and shipped in sacks to Liverpool. The McKinley law placed a tariff on grain bags amounting, according to the report upon import duties, to between 42 and 45 per cent. ad valorem.

It was a tax of 2 cents per pound and is reported at that rate. Although the committee have imposed a tariff upon this article, they have done, I have no doubt, the best they could. They have cut the duty down, reduced it one-half, and to that extent they have relieved us of a very onerous burden. We never have seen any chance of relief, and certainly have never obtained any from antecedent legislation under other political conditions here.

In 1891, after the McKinley act had been enacted, the Legislature of California passed a joint resolution which was voted for by all the members, Republican and Democratic alike. It can be found on page 525 of the Statutes of 1891. In that joint resolution the members of Congress were requested to relieve the people from this tax, as it was called in that resolution, by Democrats and Republicans alike. While the citizens of my State would no doubt prefer these articles absolutely free, they are very grateful to the party that has reduced them 50 per cent.

Mr. PLATT. Mr. President, the reason for this reduction is as I supposed it was, that upon the request made by the farmers of the Pacific Coast, the Government gives away by the bill about $1,200,000 of revenue. I do not know that I object to it, because I think perhaps it is worth that for an object lesson. I do not suppose the farmers of the Pacific Coast will ever hear of it, but I wish now to make a prediction that under this reduced rate, which relinquishes $1,200,000 of revenue to the Government a year, they will not get a grain bag a picayune cheaper.

Mr. PEFFER. I move to amend the paragraph by striking out all after the word "burlaps" in line 21 and inserting "shall be exempt from duty."

Mr. HOAR. I suppose, Mr. President, that if the reciprocity policy were retained we should have a very large exportation of these bags, with our flour, and, to some extent, our beef, because they export the beef, and also pork to some extent, in these bags, and with the very large importation from these countries with which we have reciprocity arrangements, which would come in in these bags, that would be sent from America for that purpose — these manufacturers say that under those circumstances we would establish the manufacturing in this country and have a very large foreign trade.

I have no interest in the matter as representing any constituency interested in the manufacture, but if the Senator from California [Mr. PERKINS] and the Senator from Kansas [Mr. PEFFER] think the protective system should be applied to any manufacture, I suppose the mere fact that they have a constituency who buy these things does not change their minds as to what is the proper policy. I have no doubt that retaining the present duty will result in cheapening the bags and establishing the industry in this country.

Mr. ALLISON. I think the manufacture of bags is an industry quite well established in this country. I know there is a very large manufactory at Minneapolis. I am sorry the Senator from Minnesota [Mr. WASHBURN] is not here. All the flour shipped to Europe is shipped in these bags; and where the burlaps are exported the shippers receive a drawback equivalent to the duty upon the burlaps, although they make the bags in Minneapolis. This is my understanding.

Mr. WHITE. Those bags are made of a different material from the grain sack.

Mr. ALLISON. They are jute bags, and are made from jute.

But I had supposed that under the duty imposed in the McKinley act burlaps suitable for these bags was actually made in the United States. I think they are, to some extent, although I do not know.

Mr. WHITE. My colleague mentioned a fact in the course of the discussion which I will call to the attention of the Senator from Iowa and other Senators. In the State of California, in order to give employment to a number of convicts in one of the penitentiaries, that of San Quentin, we have established a jute mill for the manufacture of grain bags.

The jute is imported. There is no duty upon jute, I will state, and there has not been any lately. The jute is imported from India, Calcutta, and brought directly to the San Quentin penitentiary, which is located upon San Francisco harbor, and the bags are made there. I have seen the process myself. Everything is done there. The bales of jute are brought in right there. They are delivered on board ship at Calcutta and delivered there.

Mr. ALLISON. Then the bags are made in California.

Mr. PERKINS. We also have two other jute mills in California.

Mr. WHITE. I was about to state that. We have two other jute mills in the State of California where these products are made. Nevertheless, although we are manufacturing the article there, there is not the least question that our people have always been in favor of a great reduction of duty. Before the McKinley bill became a law our people were here endeavoring to impress upon the authorities in charge of the Republican measure, or they stated that they did, that there should be a reduction, but they were unable to get it.

The Democratic party, however, as represented in the present committee, has reduced the tariff tax 50 per cent., and to that extent it is a great relief. As far as concerns the benefit which has accrued to us from the manufacture in that State, our farmers would a great deal rather take every employe and board him at the Palace Hotel than to permit the imposition of such a duty as has hitherto been upon this product. I am glad that Senators upon the other side who have heretofore found it necessary to impose almost 50 per cent. duty upon this article have so radically changed their minds that they have now abandoned their original ground.

Mr. VEST. Mr. President, I congratulate the country and the Democratic party upon the accession we have had to the doctrine today. I have listened with great and unalloyed pleasure to the argument of the Senator from Iowa and the statements of the Senator from Rhode Island. We can not resist the appeals which they have made in behalf of free bags made out of burlaps. So we withdraw the amendment, and in behalf of the committee we will move to strike out that portion of paragraph 270 from the words "ad valorem" in line 20, down to the end of the paragraph, including " bags for grain made of such burlaps, 22½ per cent. ad valorem." That gives free bags for grain, wool etc., to the agricultural portion of our country.

Mr. ALLISON. As the paragraph came from the House of Representatives it read as follows:

> Burlaps, not exceeding 60 inches in width, containing not over 40 threads to the square inch, counting warp and filling, 15 per cent, ad valorem; bags for grain made of such burlaps, 20 per cent. ad valorem.

The Senate in Committee of the Whole struck out "not exceeding 60 inches in width," and also struck out "bags for grain made of such burlaps, 20 per cent. ad valorem." The Senate today, on motion of the Senator from Arkansas, has raised the duty on burlaps from 15 to 20 per cent. As the paragraph came to us from the House, burlaps exceeding 60 inches in width would have paid a duty of 30 per cent. ad valorem, that being in accord with the remaining paragraphs of the schedule; but the Senate as in Committee of the Whole having struck out "not exceeding 60 inches in width," it seems to become necessary for the Senate, upon motion of the Senator from Arkansas, to raise the duty upon burlaps to 20 per cent. ad valorem. So the effect of the general amendment is to provide for a duty of 20 per cent. upon the raw material for bags, and then to put bags upon the free list.

Mr. VEST. Let us make it 15 per cent.

Mr. ALLISON. I am told that there are a great number of manufacturers in the United States who manufacture bags from burlaps. If that be so, the industry certainly ought not to be absolutely destroyed, first by increasing the duty upon the raw material and then putting the manufacture upon the free list. The Senator from Missouri will remember that we had a little sparring upon that subject when the matter was in Committee of the Whole. I do not understand that the Committee on Finance have any recommendation on this subject except the recommendation this morning that burlaps should be 20 per cent. ad valorem.

Now I appeal to the justice of Senators on both sides of the Chamber upon this subject that we may not by our own legislation absolutely destroy an industry in our own country by adverse legislation. This is all I desire to say on the subject.

Mr. WHITE. I should like to inquire of the Senator what industry he refers to?

Mr. ALLISON. I refer to the industry of making bags from burlaps.

Mr. MILLS. How would it meet the views of the Senator from Iowa to have the paragraph stricken out and insert in the free list burlaps and bags for grain made of such burlaps, putting it all in the free list? That is where it ought to go, and I make that motion. I move to strike out paragraph 270 and insert after paragraph 407½ in the free list these words:

> Burlaps, and bags for grain made of such burlaps.

Mr. ALLISON. That would only increase the difficulty, I suggest to the Senator from Texas, because that would destroy the industry of making burlaps in the United States, of which there are quite a number of factories at this time, I understand. I do not see why we should select out this particular industry for destruction.

Mr. WHITE. I believe this matter was pretty well explained when the question was before the Senate as in Committee of the Whole. A motion was made to strike out " bags for grain made of such burlaps, 20 per cent. ad valorem;" and when that motion prevailed it was followed by a motion that bagging for cotton, etc., should also be placed upon the free list upon the ground that if the farmers of my part of the United States had free grain bags, cotton bagging should be free also, and that amendment prevailed.

In my State we paid out last year half a million dollars as duty upon grain bags. As I stated in my argument before, the Legislature of my State unanimously, regardless of party, instructed their Senators and requested their Representatives to insist upon this amendment. We have secured it. I have no objection in the world to putting burlaps upon the free list, but I do insist upon grain bags. I would rather board at the best hotel in my State all the constituents of the Senator from Iowa who make bags — and the farmers of my State are ready to do it — than to continue the payment of this duty.

Mr. ALLISON. I will say to the Senator from California that the luxury of which he speaks would not be very expensive. I do not know that a single grain bag is made in my State; and I have no interest in this matter in any sense for any constituent except that justice may be done to existing industries and that we may not select one or two for destruction.

Mr. JONES, of Arkansas. I desire to say one thing only in connection with this matter. The Senate ought to know that the revenue from burlaps is over a million dollars a year, and from grain bags over half a million dollars with the duty on those articles now.

Mr. WHITE. And all that grain-bag duty we pay on the Pacific Coast.

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Texas.

Mr. ALLISON. I want to say just one word in response to the Senator from Arkansas. These burlaps which yield a million dollars include, of course, all burlaps for grain and every other purpose — flour, and everything of that sort. As respects the suggestion of the Senator from Arkansas, it seems to me to be utterly inconsistent to put a duty of 20 per cent. upon burlaps, and then to put the more finished article on the free list. That is all I have to say about it.

Mr. MILLS. It seems to me that we are rather going back —

The PRESIDING OFFICER. The Senator from Texas will suspend until the amendment of the Senator from Texas is read.

The SECRETARY. Strike out paragraph 270 and insert as paragraph 407½

Burlaps, and bags for grain made of such burlaps.

Mr. MILLS. It seems to me we are rather going backward to put a finished product on the free list and still tax the raw material; and inasmuch as we have put cotton bagging and bags for grain on the free list it appears to me to be the proper thing to do to put burlaps on the free list also. However, if the Committee on Finance do not approve it I will withdraw the motion.

Mr. VEST. I want to say that I agree with the Senator from Texas. Where we put the finished product on the free list, it is absolutely outrageous to put the raw material used by the manufacturer under a duty. I am in favor of putting both on the free list.

Mr. MILLS. That is right.

Mr. ALDRICH. In order to be consistent, the Senator will have to put on the free list jute yarns, now 30 per cent. ad valorem higher than any of these products.

Mr. VEST. I would be very glad to do that, if I could. I should like to put all these raw materials on the free list if I had the power to do it.

Mr. ALDRICH. I think, if the Senator desires to destroy the jute industry, he might as well make the destruction complete.

Mr. JONES, of Arkansas. I should like one moment to say that I agree fully with the Senator from Iowa that it is utterly unreasonable to make the raw material of which bags are made dutiable and have the bags free. There is no denying the fact that both ought to be taxed or both of them ought to be free. I think this is a fine instance to illustrate the great mistake of departing hastily in the midst of debate from the line pointed out by the committee. The duty on these grain bags was put down at a reasonable rate. It was a great reduction from what it had been before. It was satisfactory as I understood it. It was reported to Senators by gentlemen who were interested in this industry that the rate was a satisfactory one. It was a reasonable reduction from what had been in existence before, and it was fair.

But in the midst of the debate here somebody proposed to put bags on the free list, and without stopping to consider what complications it would bring about it was done. I think that was a mistake. I do not believe that it ought to have been done. However, I shall not interpose any objection to the action taken by the Senator from Missouri and the Senator from Texas.

Mr. PEFFER. I wish to say, in answer to the remarks of the Senator from Arkansas, that the placing of bags both for grain and cotton upon the free list was not done without due consideration, for there were a number of what I thought very good speeches made on the subject. I made the motion myself in both cases.

Mr. CHANDLER. And spoke several times.

Mr. PEFFER. And I spoke several times, as is suggested by my amiable friend from New Hampshire; and I know my friend the junior Senator from Louisiana [Mr. BLANCHARD] made one or perhaps two able and excellent speeches. Senators honored us both with strict attention; there was a good deal of talk backward and forward on one side and the other; and finally we succeeded. This being about the only benefit I feel I have achieved during these three months of discussion, I hope Senators will let it stand at that.

Mr. PLATT. The Senator from Arkansas says very truly there would be inconsistency in putting a duty upon the manufacture of burlaps after grain bags had been put upon the free list, which are manufactured out of burlaps; but the inconsistency is in putting the grain bags on the free list. I do not want to let this matter pass without saying something about it. If there is any reason why one manufacture of this country should be put on the free list the same reason exists in regard to every other manufacture in the country.

Mr. ALDRICH. I understood the Senator from Arkansas practically to withdraw from the action of the committee in that matter, and express a desire that grain bags shall be retained upon the dutiable list. If that is so, we might by unanimous consent, perhaps, with the exception of the Senator from California —

Mr. WHITE. There can not be unanimous consent had on it, I will tell the Senator. I will stay here all night first.

AS TO THE PROPOSITION TO INCREASE THE BONDED PERIOD WITH REFERENCE TO GRAPE BRANDY, ETC.

Mr. WHITE. Mr. President, there is one aspect of this feature of the bill upon which no one has yet touched, and I shall add a very few words to the already protracted discussion.

In the State of California, according to the report of the Commissioner of Internal Revenue for 1893, there were operated during the last fiscal year in the first district fruit distilleries numbering 149, in the fourth district 138.

We manufacture in that State grape brandy of good quality and in considerable quantity. The statistics show that quite an export trade has developed. In one instance—that of the estate of the late Senator Stanford — some $190,000 worth was recently exported to Germany and sold. The owners were enabled to do this because they had sufficient means to keep the liquor on hand until it was reasonably matured, and hence salable.

Mr. President, there has been something said about the whisky trust; there has been some talk about the Kentucky distillers; but the establishments shown by the record to which I have adverted to exist in my State must demonstrate to Senators that in attempting to aid in extending the bonded period I am acting in direct line with the interest of those of my constituents who are producing grapes and making brandy therefrom. Unless the period is extended these law-abiding and industrious citizens will practically go out of business. They represent small concerns all the more valuable for that reason. A very large number are vitally concerned. Upon these distilleries our vineyardists largely rely, and must rely. Without an opportunity to bond the products thus made it is doubtful, as I have said, whether we can continue in business at all.

My colleague [Mr. PERKINS] and myself have received telegrams representing almost every interest in California connected with viticulture urging the extension of the bonded period. Among others I present a telegram which is a duplicate of one which came to me personally, which I request the Secretary to read.

The PRESIDING OFFICER. The telegram will be read if there be no objection. The Chair hears none.

The Secretary read as follows:

SAN FRANCISCO, CAL., *June* 23, 1894.

GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

The State Viticultural Commission, speaking for many thousand grape-growers, wine makers, and distillers, urgently request you to use your best efforts to have the bonding period extended to eight years as provided in the Senate Finance Committee bill.

JOHN T. DOYLE,
President State Viticultural Commission.

Mr. WHITE. Mr. Doyle is one of the most prominent men in our State. In fact, he is a gentleman who has devoted his energies of late years to agricultural and viticultural and horticultural pursuits as well as to the advancement of the public generally, rather than to mere personal affairs. Fortunately he is so circumstanced that he can afford to do this. Let me attract your notice to the proposition that it takes about five gallons of wine to make a gallon of brandy.

There is on hand today in California, owing to the exceedingly depreciated value of wine in the market, a large quantity of that commodity, and it will relieve our grape-growers not a little if they are able to turn some of this product, say one-fifth, into brandy, and hold it until it is marketable.

I shall not discuss the features of this issue which have been already presented, but it is idle for Senators to assert that these goods can not be shipped abroad. The fact is otherwise. Can it be possible that the distinguished Senators upon the other side of the Chamber who have been in control of this Government for so long have been unaware of that system of exportation and reimportation which they now style illegal?

I heard it stated the other day that the reason why many Senators voted for extravagant advantages to a certain trust when the McKinley bill was passed, was because they were innocent of knowledge on the subject. Mr. President, had I been searching for uncommon and superlative innocence I would not have gone in quest of some of the parties who claim to have been thus deceived. But conceding the absence of wrong, I can hardly imagine that Senators upon the other side who have discussed this subject can claim sincerely that it is impossible to ship spirits out of this country and bring them back, and thus postpone the revenue payments.

My colleague, who is at the head of a very large steamship company on the Pacific Coast, can certify that his company has taken these articles from the State of California to British Columbia, unloaded the cargo there, and subsequently transported the same back again to the United States.

Why should we deprive our people of the right to store their own product here? Why should we chase them out of this country and compel them to go to the Bermuda Islands or somewhere else, to house and keep their goods, all manufactured at home?

Mr. President, we have all received, I think, circulars asking us to oppose the extension of the bonded period. From whom have these come? Not from the men in my State who manufacture brandies; not from those persons engaged in viticultural callings; not from the men in Kentucky and elsewhere who make straight goods. Who forwarded these circulars? Manifestly those whose employment in the manufacture of another class of alleged whiskies makes it to their advantage to impose under the name of law an unjust burden upon manufacturers of straight goods—the design being to make that pursuit if not impossible at least extremely risky and unprofitable.

There is not an individual in my State engaged in grape-growing and wine-making who does not feel that the defeat of this provision extending the bonded period will be utterly destructive of his industry, and whoever may be represented by the distinguished Senator from Ohio, who made an address here today upon this topic, it is plain he represents neither those who are the producers of straight whisky nor those who in my part of the country are legitimately engaged in the manufacture of brandy.

His proposition means the utter annihilation of wine property in California. His proposition means practically that it is a crime to keep within this country these manufactured products, and yet that it is all right to send them abroad, pay warehouse charges to the foreigner, and bring them back and place them upon our market.

Why can not those of my constituents who are thus occupied hold these goods in bond even for an indefinite period? Generally they are persons of moderate means. The brandy that they manufacture is really not marketable until after this three-year period has passed. They come to you and say that if you will give them this opportunity, which every nation that pretends to be conversant with economic conditions confers upon its people, they will be able to get along.

The brandy producers of my State have submitted to a tariff reduction in the pending bill from two and a half to one dollar and eighty cents per gallon, and now we are threatened by Senators upon the other side with destruction. It is not true that this brandy must be considered manufactured when it reaches the warehouse. It is the truth, as my friend from Kentucky has stated, that the processes of nature working even after three years are essential to the completion of a commercial article.

Yet we are told that we must take this brandy and throw it upon the market before it is ripened and when it will bring but a trifling price, and that we must make this sacrifice to an interest ably represented here, powerful in this country — an interest able to reach every little cross-roads groggery in the land, strong enough to make all engaged in illicit liquor business in the palming off of spurious articles, enthusiastic against the proposed extension of the bonded period. Are we legislating for such a combination?

There is no emissary, no one connected with the whisky trust, who is in favor of the extension of the bonded period, or if he is he has kept his views severely to himself. And yet there is no influence allied to that whisky trust that is not engaged in attempting to defeat this measure. I do not pretend to assert that Senators whose views are at variance with mine are not in absolute integrity in their utterances, but I do say that many of those who indorse their views are not entitled to any protracted hearing before any representative body of the American people.

Mr. President, the amendment proposed by the committee is in the interest of a legitimate industry sanctioned by statute, an industry that pays much money into the Treasury, and this avocation can not in one breath be said to be proper and the next instant condemned as criminal. We have recognized this production as something upon which people have a right to depend. The manufacture of whisky as represented and explained by the Senators from Kentucky in their arguments, is undeniably lawful and entitled to consideration.

No one has claimed that it is against public policy for the man who raises grapes to continue in that business. Hence I have a right to appeal to every Senator, whatever may be his political faith, to join with us in this effort to do simple justice to men who are paying heavy taxes to the Government, and honestly toiling for their own and their country's interest.

Mr. President, there should be no party lines upon this question. There are certainly none in California among wine producers. There is no Republican wine-grower, no Republican politician, no Republican business man who will not tell you that the ground upon which I stand is the true ground and that the interests of the people of my State are obviously in this direction. Therefore, not only upon principle, but because it is the wish of those whom I deem entitled to the laws of legitimate protection, that I favor this extension.

I concede that parties engaged in the production of whisky ought, perhaps, to pay something in consideration of the additional bonded period, and hence I will vote for the higher tax. Mr. President, I have heard Senators who have been loud in their condemnation of this side of the Chamber because upon some of the luxuries, or so-called luxuries, of life the rates have been reduced.

Now that it is proposed to put an additional tax upon whisky we hear exclamations that such action is wrong and against public policy. One Senator learned upon these subjects solemnly declared that he does not believe such an onerous tariff law will produce as much revenue as a smaller charge, and another Senator, equally wise and sincere, solemnly assures us that the plan will produce too much money.

Mr. President, between this clashing, uncertain, conflicting, and hence, unreliable testimony, I am forced to adopt the familiar rule that the whole must go out of court. We will justify ourselves when we stand before the American people by saying we have increased the price of whisky, if you will; that we have placed an additional revenue tax upon liquor, but that we have allowed our fellow-citizens to retain in the warehouses of this country their products instead of compelling them to send the same abroad.

If you argue that it is better to abolish the whisky business and that no man shall drink of it, I may admit the assertion. Let it be granted for the sake of argument. Nevertheless it is clearly less injurious to health and less injurious to the public and more profitable to honest citizens who depend upon the industry that this liquor should be retained long enough to permit it to go into consumption in the least harmful state and to justify a physician in placing it in the hands of patients.

In conclusion, Mr. President, I trust that the amendment proposed by the committee will be adopted, and that at least in one case our friends on the other side will join us in levying an increased impost upon a luxury and in giving to the American producer those facilities which heretofore he has not had at home, but which he has had to seek under a foreign flag and in an alien land.

Mr. ALLISON. I only wish to say a word as to some of the arguments which have been made, and, notably, those of the Senator from California [Mr. WHITE], and the Senator from Nevada [Mr. STEWART].

There would be no difficulty, if our necessities required it, in dealing with brandies. We have always dealt with grape brandy in a separate provision of law. The law provided for a bonded period of three years for grape brandy before allowing any bonded period at all for distilled spirits, because grape brandy was supposed to be placed upon a different plane. Therefore, I think as early as 1877 we made special provision for grape brandy, allowing a bonded period of three years. So grape brandy does not rest upon any provisions in this bill.

Mr. WHITE. If the Senator will excuse me, it does to this extent. The grape brandy business is affected by the bonded extension. The benefit of the bonded extension accrues to grape brandy under this bill.

Mr. ALLISON. We should not deal with this question because locally the Senator from California makes a good case for grape brandy.

Mr. WHITE. If the Senator from Iowa will excuse me, I trust, if I have made out a good case, it was not merely locally. I have heard about making out good cases locally, but I trust in this instance it will appeal to the Senator as a citizen of the United States, and not as a citizen of a State that can not legally use much liquor.

Mr. ALLISON. I have been unfortunate if I used language in any sense such as the Senator describes.

I believe grape brandy is manufactured chiefly in California, though it is also manufactured somewhat in New York. There is a special provision in our grape brandy legislation authorizing an extension of the bonded period of three years. It will be necessary to amend that without dealing with this general question. That is what I endeavored to say, and I hope I have made myself understood on that question.

THE DIFFICULTIES OF ENACTING ANY TARIFF BILL.

Monday, July 23, 1894.

The Senate having under consideration the disagreement between the two Houses on the amendments of the Senate to the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes —

Mr. WHITE said:

Mr. PRESIDENT: I desire at this exceedingly critical juncture to offer a few suggestions which seem to me pertinent to the occasion. I know that it is difficult for one who considers that he has been unjustly attacked to abstain from retaliation, and it is not surprising that emphatic language has been used in this debate. But I can truthfully assert, I trust, that I entertain no feeling which can interfere with the discharge of my duty. I appreciate the nature of the circumstances under which Senators labor here — men of long experience in this Chamber — who have given the best years of their lives to the cause of their country and to the advantage of their party.

My remarks shall be directed to what I shall call the intrinsic merits of the situation. I do not deem it of essential importance whether the President of the United States has or has not sent a message in an indirect way to Congress, or to a portion of Congress, or to certain members of Congress. There may be a question of policy involved; and we have heard enough to know that there is a question of taste possible of consideration; but as members of a party charged with the performance of a public duty, it seems to me that we must look beyond the statements of Senators and Presidents, and solve this issue in the light of duty.

The elements and influences resulting in the amendments made by the Senate to the tariff bill have been dwelt upon and thoroughly. Not only did we find differences of view among Democrats, but we discovered upon the other side a unanimous Republican membership capable of resorting and ready to resort to every legitimate parliamentary practice to defeat us. Senators no doubt said they would not filibuster, but in the early hours of the morning, upon entering the Chamber, we would sometimes note our distinguished friend, the Senator from Pennsylvania [Mr. QUAY], rising methodically and producing something which we afterwards learned was a history of sugar from the day of Adam's original apple to the sugar beet. [Laughter.] Then, upon another day, the same able Senator would bring a treatise upon iron, or lead, or wool, etc., elaborate, instructive, thoroughly prepared, but most essentially time consuming.

While thus listening to these elaborate and of course interesting remarks to some we would occasionally be reminded by our friend from New Hampshire [Mr. CHANDLER] that we were not saying anything in defense of our measure. We felt as the days rolled by and as the people demanded action that the best thing to do was to remain quietly in our seats, waiting until something developed adequate to solve the issue. We were confronted by a situation from which we could not easily extricate ourselves—rules that may have been desirable at some time or at some period, but which do not now win or deserve admiration or applause.

But whatever the situation, we were compelled to and did meet it. This long drawn out contest, coupled with the solemn assurances that there were many volumes of unuttered speeches left, forced certain concessions to Republican Senators to the detriment of our purpose. Superadded, therefore, to the difficulties which might be called domestic were these essentially antagonistic demonstrations of our adversaries interfering no little with the proper framing of our measure.

Mr. President, it is not fair, it is not right, it appears to me, to charge those whose views differ perhaps from the majority of their associates with a want of sincerity or honor. As Senators elected by constituencies whose views they understand, these gentlemen have sought to impress their sentiments upon us. Under these conditions we finally reached a point where we were satisfied that there had been evolved the best proposition that could be passed by the Senate.

Speaking for myself alone, uttering my individual sentiments as well as the sentiments of my State, I can truly say that free coal and free iron would be a great boon. Every prominent iron worker and manufacturer in California, whether Republican or Democrat, has asked for free iron. All have solicited free coal, and, as stated by the Senator from Maryland [Mr. GORMAN], the State of California pays almost the entire coal tax. When the Government collected $1,100,000 of revenue duty upon coal California paid $800,000. Manifestly, therefore, we are deeply interested.

Yet, Mr. President, notwithstanding these facts, I, representing in part the people of California and knowing their sentiments, have said that the bill presented here being the best that can be had will be cheerfully accepted. It affords us a reduction of 46 2-3 per cent. upon the duty as now existing. This is worth having.

I refer to this incidentally for the purpose of showing that in the respects referred to in the letter of the President of the United States personally I can find no ground for objection, and that nevertheless I take the position that there is nothing for the Senate to do now except to vote for the motion offered by the Senator from Delaware [Mr. GRAY] and remit the matter wholly to the committee from whence it has just come to us.

Mr. President, who are these committeemen? Who are the Senators whom we have intrusted with this measure? They are gentlemen known all over this Republic. The Senator from Missouri [Mr. VEST] is a man without whose voice no Democratic national campaign would be deemed effectually organized. The Senator from Arkansas [Mr. JONES] has labored and labored honestly, faithfully, and continuously to accomplish a most radical reform measure. The same may be said of their associates. They are the friends of tariff reform, not its enemies. We have instructed them to confer with the managers on the part of the House. We appointed them to take charge of our bill.

The House of Representatives, in pursuance of its constitutional power, refused to accept our amendments and insisted upon the original measure. The bill comes to us in that condition. There is nothing left for us to do but to insist upon our amendments and intrust the controversy to our Conference Committee, to the men who have done so much towards the solution of this difficult question, who have successfully labored to produce a measure for which every one can conscientiously vote, and which will be an effective and a Democratic bill.

In one of our great newspapers, the New York Herald, of Saturday morning, I find the following:

> The Herald demonstrated fully yesterday from the official statistics of the United States that the McKinley law now costs the American people about $2,000,000,000 a year, though the Treasury does not get one-tenth of this sum in revenues. The Senate's tariff is certainly an improvement upon McKinley's, but it will nevertheless force the people to pay in bounties and tribute to the "protected" monopolies at least $1,250,000,000 every year, and possibly much more.

Here is an admission that the bill as passed by the Senate, bad as we are told it is, will relieve the American people from $750,000,000 of taxation. And yet we are informed that this is immaterial. If we must accept the McKinley act or accept a measure which will relieve us from $750,000,000 of taxation, I shall unhesitatingly vote for the relief and not against it; nor can I conceive how any man who admits that taxation is a burden imposed upon the people, who inveighs against and denounces it, can refuse to vote for a reduction of this magnitude, even if it be true that the public expected a much more radical act.

Mr. President, I am in sympathy with much that has been uttered with reference to the sugar trust. I believe that that institution has grown to be so powerful that it is a menace to the public interest. But I have confidence enough in the Committee of Conference to believe that whatever ambiguity there may be, if there is any, in the sugar schedules passed by this body, will be ultimately cleared up, and that in this, as in other respects, the committee will make a report that will meet Democratic approval.

I do not think that the floor of the Senate is the place to discuss amendments now. I do not believe that it will forward the interests of the Democratic party or render less improbable the rejection of the bill if we debate important subjects upon the floor of the Senate. Agreements in a large body are difficult of realization. One imprudent word leads to another. An expression, ill-advised, provokes another more so, and the Senate will stand still further removed from adjustment and settlement.

This is a time calling for the highest patriotic efforts. This is a time when, however much an individual may have been personally attacked, however much one's feelings may be involved, all, as I have already stated, should sink before the manifest public duty which confronts this side of the Chamber. Our friends upon the other side are solicitous to defeat the bill. They are anxious to see McKinleyism perpetuated. They are honest in the faith that such an outcome will be to the advantage of the people of this country. But, Mr. President, we Democrats have come here obligated to do a specific thing. The people of the United States declared the system of taxation called McKinleyism to be wrong, and have ordained that the act shall be stricken from the statute book. It is idle talk to say to me that that verdict has been set aside or reversed. If disaster in local elections has overtaken the Democratic party in certain portions of the country, it is not because the people have feared the repeal of the

McKinley act, but for the reason that they have become restive because we have not already repealed it.

Now, Mr. President, it has been said that the Senate has been unjustly attacked, not only by individuals but by newspapers and by officials of our own party. But, sir, let me say that all this is irrelevant matter. We have not the time to enter into the merits of our individual disputations. We must perform our duty to our country here, and while stating the reasons governing us we must trust to history, to the candid opinion of our fellow citizens, for our future and final vindication. By our acts we shall be judged; and if after having come to this Capitol with the solemn obligation upon us to repeal the McKinley act we suffer it to go unrepealed, then we must return to our constituents with the admission that we have not kept faith.

But if we accomplish the repeal, even though we do not reach the point of full relief demanded by many of our fellow citizens, we shall be able to truthfully assert that we have done the best possible, and they will appreciate our surroundings and situation and accord us our full due. Even if I can not procure the enactment of a bill giving California free coal and free iron ore, yet when I can return to those who sent me here and show that I have saved them $400,000 of annual taxation through the 46 2-3 per cent. reduction in the coal tariff I know that my course will be approved.

The people outside of this Capitol are, as we all know, intelligent and discerning. For the moment they may be misled, for the instant they may do that which they should not do, and sometimes their words are harsh and their acts seemingly unjust; but time tempers their judgments, so that the representative who does the best he can upon this floor will receive that same commendation from his constituents that he who acts justly and to the full measure of his powers is entitled to receive here and hereafter.

Mr. President, it will, I think, subserve no useful purpose to give any instructions whatever to this committee. If we concede our parliamentary right to do so, and if we vote for the motion of my friend from Wisconsin [Mr. VILAS], we open the door to amendments upon every conceivable subject; we will then have the entire bill before the Senate, every phase of it, every feature of it, open to dispute and contention.

Nor will it be of the slightest avail to use words of criticism towards the House of Representatives. Our rules forbid it, and, even if the proprieties of the situation are omitted, it is the manifest policy for every Democrat in Congress, to whichever branch he may belong, to speak and think of his fellows as associates, endeavoring to accomplish something for the betterment of their country. In this spirit alone can we hope to prevail. Conciliation is not only important, but absolutely essential.

Remember that there are around us gentlemen who are solicitous for our destruction; gentlemen who, whenever they can invade our ranks, and woo with tender song some too fragile brother; gentlemen who, by argument and influence of every sort—proper, I mean of course—are seeking to allure Senators upon this side and with promises of co-operation are endeavoring to persuade them to vote for some special amendment, which will render the passage of the bill less likely. Who doubts that upon this very question of sugar, our friends upon the other side will rush frantically to the front, and denouncing the sugar trust, will vote in the most positive manner for the amendment proposed by the Senator from Wisconsin; yet who questions that in doing that, in so voting, it will be the hope of each Senator upon the other side that his action, ostensibly against the sugar trust, will result in the defeat of this measure and the perpetuation of the McKinley schedule, which was admittedly dictated by the trust.

Mr. President, our friends have not denied that the McKinley act contains undue protection to the sugar trust. No man has been found to produce anything that will show that the McKinley act is not far more favorable to the trust than the pending measure; and yet gentlemen who are loud in their denunciation of this trust, who declare it to be the most outrageous of all American combinations, as I believe it to be, those very gentlemen, sir, are striving to keep alive and perpetuate the blessings, as the trust beneficiaries would call them, of the McKinley act. Are we to aid in this work?

We are not laboring for tariff reform when we co-operate with its enemies, nor do I think, if my friend from New York [Mr. HILL] shall succeed in his amendment, it can result, as matters now stand, in the improvement of the situation. Let us assume his success, and that free coal and free iron ore — more beneficial, as I have said, to my constituents — are voted on the free list, does the Senator from New York not know — I will change the form of the expression—the Senator from New York does know that by so voting he will imperil the whole measure. True, he will not shed any tears because of that circumstance.

Mr. HILL. Will the Senator allow me?

The PRESIDING OFFICER (Mr. BATE in the chair). Does the Senator from California yield to the Senator from New York?

Mr. WHITE. Certainly.

Mr. HILL. Will the Senator explain how the carrying of my amendment will imperil the passage of this bill? Does he know of a single Senator so devoted to the cause of a tariff upon coal and iron ore that he will feel as though he must vote against this bill? I have heard no such expression from anyone.

Mr. WHITE. Is the Senator through?

Mr. HILL. For the present.

Mr. WHITE. It has been otherwise stated to me, Mr. President, by gentlemen who claim to know something of their own opinions. I do not think that my friend from New York would vote for anything that would insure or assist in the passage of a bill which would contain the income-tax provision, because he is solemnly pledged to do everything that he can to defeat such a provision. Not without a purpose has he thrust aside for the time being the affiliations of a lifetime; not for an idle end has he sought by a combination with the distinguished leader of the Republican party to dictate tariff legislation.

My friend from New York honestly believes that this bill should be defeated because of the income tax provision, and, skillful soldier that he is, he places all his men, all his forces, upon a vantage ground from which he hopes they may be able to compass the route of their foes.

Mr. HILL. Will the Senator allow me?

Mr. WHITE. Certainly.

Mr. HILL. Do I understand the Senator that he thinks it unwise now for the Senate either to recede from any of its amendments or to instruct the conferees?

Mr. WHITE. Is that all of the Senator's questions?

Mr. HILL. It is for the present.

Mr. WHITE. The Senator retained the floor, and I did not know whether he had concluded or not.

Mr. HILL. I have.

Mr. WHITE. I will say yes; my answer is in the affirmative. I stated, in my opinion—I may be wrong, most assuredly; but the Senator has asked for my opinion—that the friend of legislation, the man who wishes the enactment of a tariff bill, who desires the reduction of the McKinley rates, and even of the rates fixed in this measure, that man will vote to send this bill to the committee; but the man who desires the defeat of this bill, who wishes the McKinley law to stay upon the statute book, that man, if he has good judgment and possesses skill, will vote to amend this bill now in all possible respects. Understand me, Mr. President, I do not charge that every Senator who offers an amendment has that end in view.

I know that my friend from Wisconsin, who sits near me [Mr. VILAS], is as solicitous as any man can be for the passage of this bill, and I know that my friend, the Senator from New York, is as solicitous as any man can be that this bill shall be defeated unless the income tax shall be exscinded, and then I suppose he would vote for it with coal free or taxed.

Mr. HILL. Will the Senator please explain how he expects an agreement to be reached if the Senate does not recede at all?

Mr. WHITE. My understanding is that the Senate, having confided to these conferees this delicate and onerous duty, will listen to their recommendations. For one, I shall. Of course, if I had no confidence in any Senator upon my side, if I set up my little individual judgment against the solid phalanx of my party, I should vote against recommittal, and then I would do as some other people do—pair myself. (Laughter.)

I have said these words, Mr. President, because I am anxious to persuade the friends of this bill; because I am anxious to impress upon those who think that a vote should be taken upon the sugar matter now that there is a great danger in such procedure. I know that these gentlemen are anxious that a tariff measure shall be enacted. I know they hope with me that we will not leave this Capitol with our pledges unredeemed. My argument to them is an appeal to their judgment. I solicit their candid, careful, patient, and time-taking consideration of the suggestion that I make, whether it will not be better that this affair shall be considered in the small council of conference than that it shall be a subject of general controversy in this Chamber.

But, Mr. President, anxious as I am for the accomplishment of the purposes specified, solicitous as I am personally to see the views of the Senator from New York on coal and iron impressed upon this bill, desirous as I am to have it framed so that the sugar trust shall realize only a reasonable profit; still I believe that it is my obligation to vote for the motion submitted by the Senator from Delaware [Mr. GRAY], and that to do otherwise would be to ally myself with those who oppose all tariff reform.

As I said in the beginning, in doing this I have but one objective point, the discharge of that solemn obligation which was imposed upon me when I accepted the burdens and honors of a Democratic Senator, an obligation alike imposed upon all of us, and which I understand every one here is ready to discharge.

My appeal does not involve the sincerity of anyone; but it is to some extent a criticism of that judgment which precipitates a bitter controversy upon this Chamber at this heated time; a controversy that necessarily arrays not only the two Houses of Congress to some extent against each other, but challenges the Executive, and brings us all into general and mutual hostility, from which concerted action, I fear, will never be evolved.

On the other hand, if this matter be relegated to the tried and trusted Democrats of the conference, to those whose party fealty has never been doubted, and whose ability passes without comment, I believe that a means of extrication from this attitude will be suggested.

I wish to state before I resume my seat that, being tolerably familiar with the general facts concerning the framing of this bill, I am justified in saying that each and every Democratic Senator commenced this struggle with the desire to pass a good tariff bill. I do not sympathize with the attacks which have been made upon Senators. Many of these onslaughts are inspired by people who are not friends of Democracy. Some of the accusations are fathered by newspapers and individuals representing the Republican party, and whose prayers are for the continuation of McKinleyism. Our ranks can not be thus broken up.

We can not afford, whatever may be the present trend of popular sentiment, to ignore the good which those who are attacked have done. We can not charge the Senator from New York with a lack of sincerity because he has not agreed with us, for he has heretofore shown his fealty to his party and his ability as a Democratic leader, and the Democratic organization of the United States knows his record and appreciates his many services.

Nor should anything but kindly criticism be directed at the Senator from Maryland [Mr. GORMAN]. Long before I saw this Chamber, when I had but little idea indeed of entering it, almost in my boyhood, I knew of his worth and ability. But lately, when from one end of the United States to the other the entire Democratic organization was fearful of the disaster threatened by the force bill, when the question of a free ballot and the right of men to govern themselves was challenged, Senator GORMAN was the leader of Democracy, and in this Chamber his eloquent and able championship won for us and for his country safety from unwise legislation and subsequent party victory. In times when the skies are clouded, when criticism is on every lip, when motives are hourly questioned, let us not forget to do that justice which every man owes to his fellows; and, if criticise we must, let us do so in considerate phrase, but let us not forget the past, whether it be because of great services or because of great offenses.

This is a contest between Democracy and Republicanism, as the latter is exemplified in the McKinley law; this is a contest in which the Democratic party in this Chamber is entitled to a majority vote. That majority it must obtain, or I fear the people will not forgive it. They abandoned their allegiance to the Republican organization after it had been tried for many years. A change was deemed necessary that disaster might be averted, and they accepted other leadership that they might be led from the house of bondage. Having been given this power, having accepted this trust, let us exercise it for the popular benefit, and let us meet the situation even though we may be compelled to do that which is personally distasteful, but which we can do without dishonor, We must not expect to be able to succeed without effort, consideration, or concession.

Senate, August 7, 1894.

The resolution proposed by Mr. CHANDLER, viz.:

Resolved, That a committee of five Senators be appointed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia, for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress; and, if so, to ascertain who gave such assurances; and whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of such assurances,

being under consideration, the following remarks were made:

Mr. WHITE. Mr. President, I desire to say a word upon this subject as explanatory of the vote I intend to give.

I am opposed to the adoption of resolution and substitute. I think that it proposes a useless expenditure of time.

Mr. GRAY. And money.

Mr. WHITE. And, as a Senator has suggested, and money. If there was any possible practical result to be reached, something that might inure to the advantage of any part of the country, I would be in favor of going on with the investigation. But there is no charge before the Senate susceptible of investigation by any respectable organized body on the face of the earth. There is no accusation which anyone is called upon to meet.

There is nothing, as the Senator from Texas has well said, which gives this body any jurisdiction in the premises. With contempt a witness, or a supposed witness, might treat any committee appointed by this body under this resolution. He would have a right to ignore the process of the committee, and the Senate would not dare to incarcerate him, because the law of the land declares that the Senate has not the power.

This is to be a committee to be appointed for the purpose of furnishing texts for amusing speeches. No one listened with more pleasure to the remarks of the Senator from New Hampshire than I did, because those remarks were exceedingly funny. He not only amused himself, but he amused us all. Still no one seriously thinks that the Senator from New Hampshire has any idea that this investigation will result in bringing any material proposition to the attention of the American people. That the Senate should appoint committees and direct them to investigate, knowing in advance that nothing can result, seems to me to be worse than a waste of time.

For these reasons I shall oppose the passage of the resolution. I would gladly vote for any proposition which would lead to placing before the Senate and the country any matter important to the decision of a question pending here; but I will not vote for the appointment of a committee to consume time uselessly. It appears to me that there are matters of grave importance demanding the immediate and sole attention of this body. Hence I shall vote against the substitute and against the original resolution.

Mr. CHANDLER. Mr. President, I am very happy to be able to amuse the Senator from California. He has been in a chronic state of being amused all winter. He has been very much amused at the condition in which his party finds itself upon the tariff question, and now when the proposition is to investigate the Dominion Coal Company, which has been formed upon the basis that the existing duty on coal shall be removed, and that investigation is to be made for the purpose of removing scandal which has been circulating in this country for the last three months, or else for the purpose of finding out what this company has been doing to influence the legislation of Congress, the Senator from California finds nothing in it except amusement.

Mr. President, there is one serious feature in the remarks of the Senator from California. He has taken occasion to advertise to the world that no witness need open his head before this committee if the investigation takes place. The Senator has seen fit to proclaim to those witnesses who may tell us about this coal company, why it was organized, how it proposes to influence Congress—he has undertaken to tell Mr. Dimock, a director in this company, who is in this city today, possibly with his pockets filled with certificates in this watered stock, that he is not obliged to say a single word to this committee when it is organized. I think, Mr. President, that that is something serious for the Senator from California to do. It is getting to be very much the fashion in the Senate whenever an investigation is to be made which may prove something that ought to be proved in the public interest, for Senators to get up here and say there is no use in the investigation, because no witness is obliged to testify.

Mr. President, I think when an organization of this kind is formed, with thirteen and a half million dollars of watered stock, and when there is so much scandal about the country as there is in connection with it, the Congress of the United States can afford to investigate and find out whether this town is full of certificates, whether they surround the Senators when they go to their hotels and their lodgings, whether the Senator from New York or the Senator from California may not be in danger of being approached unduly in connection with this subject, whether they should be compelled to rely upon their own virtue alone to resist temptation, and whether the Senate should not surround them by a report upon an investigation of facts so that their youthful innocence in the Senate and in the city may be properly protected and guarded.

It seems to me that this is not a matter of amusement simply. I hope to convince the Senator from California that I am in earnest about it.

Mr. MILLS. May I ask the Senator from New Hampshire, as he is very anxious to have a thorough, fair, and full investigation of both sides of this question, if he will not accept my substitute, which embraces every word of the Senator's own resolution?

Mr. CHANDLER. I shall vote for the Senator's substitute. The difference is simply this: The coal company is organized upon the basis and condition of its prospectus that the duty upon coal is to be removed. I do not suppose the Senator can produce here the prospectus of any domestic coal company or of any railroad company transporting coal which contains a condition that the company is not to be organized and to do business unless it can succeed in maintaining the duty upon coal. If the Senator can produce any such prospectus the cases will be parallel, but if there are undue influences exerted upon that side of the question, I propose to vote for the amendment of the Senator from Texas.

Mr. GRAY. I ask the Senator from New Hampshire what difference he perceives in morality, if it be a question of morality, between a company organized upon the condition, hope, or expectation that a tariff duty shall be taken off and one organized upon the hope, condition, or expectation that a tariff duty shall be put on?

Mr. CHANDLER. None whatever, I will say.

Mr. GRAY. I ask the Senator if he never heard in the past three or four years of any mills, factories, or other concerns being organized for the purpose of reaping the benefit of the so-called McKinley law—tin-plate mills, for instance?

Mr. CHANDLER. I will say to the Senator, first, I know of no difference whatever; and that if any company is organized the fundamental condition of which is that it shall have $13,000,000 of watered stock, and that a certain article to be produced by the company shall either have a duty imposed upon it or a duty taken off from it, I would have that company investigated by Congress to find out how it proposes to influence legislation in the Halls of Congress.

Mr. GRAY. It does not make any difference, so far as the tariff bill is concerned, what the methods of the corporation may be as to watered stock, but I merely wanted to know whether the Senator sees any difference, and the Senator says he sees none—

Mr. CHANDLER. None whatever.

Mr. GRAY. Between a corporation organized for the purpose of carrying on business to be benefited by exemption from taxation and a company organized by reason of the fact that taxation is to be placed upon the people of the United States for the benefit of that particular so-called industry. The Senator agrees that there is none. Now, I do not see any difference, nor do I see that it makes any particular difference to the people of the United States how the corporations or individuals composing such corporations are organized. We are interested, however, in what is done under the impulse and stimulus of private greed, if you please, when legislation gives an opportunity to gratify it. If a high tariff bill operates upon those ordinary motives of human nature, I suppose when a low tariff goes into operation somewhere for the first time it may operate in the same way. I see no particular immorality in that on either side of the question. I do object, however, to tariff taxes being laid which shall give an opportunity to anybody to tax the whole people of the country for his private benefit.

Mr. CHANDLER. Then I welcome the Senator from Delaware in aid of the resolution, which it appears now both the Senator from Texas and myself seek to have passed.

Mr. GRAY. No; I think that the motives of those who pass tariff bills for the sake of benefiting private interests and giving them the power to use the great tax-levying power of the United States for private benefit had better be investigated rather than the motives of people who very naturally avail themselves of the advantages which legislators give them. That is all I can say.

Mr. CHANDLER. I will simply restate the case in this way: Whenever a corporation is organized with $13,500,000 of watered stock, and the condition expressed in the prospectus of the company is that there is to be a tariff duty either imposed or taken off, that company ought to be investigated by Congress.

Mr. WHITE. Mr. President, I wish to briefly respond to the Senator from New Hampshire, who objects to me because he says that I have been in chronic and incessant good humor. His proximity accounts for that condition. I do not seek any controversy with him. I remember that some time ago it was said by one of poetical impulse, whose language I apply to my friend, that—

> Men fear him,
> And even angels don't aspire to go too near him.

I am not especially anxious to seek for the protection offered by the distinguished Senator. My friend says that being youthful (which I will always admit, now and hereafter) I need, perhaps, the advantage of some protection. If I ever feel in such necessity I shall dislike to seek refuge with the Senator from New Hampshire. Certainly he will never be able to woo me to his side for that purpose. However innocent I may be I will not commit that error.

Now, to the merits of this matter, the resolution offered by the Senator I said presents nothing material. He objects to my remarks because he says I have thus served notice upon sundry witnesses that they need not testify. Well, let us see what his resolution is:

> That a committee of five Senators be appointed to inquire into the facts connected with the organization and history of the Dominion Coal Company, Limited, of Nova Scotia—

That would be a very interesting inquiry, I have no doubt; but now the object is outlined—

> for the purpose of ascertaining whether such company was formed or is being conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress.

What an investigation! To inquire whether a corporation has been constituted because of assurances that Congress will legislate in a certain definite way about a particular thing! Does the Senator imagine that that is a proper subject for investigation here—a material inquiry upon which we can afford to expend time?

> Conducted by reason of any assurances that the tariff duty on coal shall be repealed by Congress, and if so, to ascertain who gave such assurances.

That is, Mr. President, the Senator from New Hampshire wishes a committee of five Senators to summon witnesses and ascertain whether it was Tom, or Bill, or Jim who gave these assurances. What an important affair! How vital it is that some one, name and rank undisclosed, went to a person interested in this Dominion Coal Company and said: " We assure you that there will be free coal when Congress passes a tariff bill."

> And whether or not any officer of the Government or any member of Congress is or was interested in said company; and what action, if any, has been taken by any person in fulfillment of said assurances.

Who charges that there has been any improper action taken? Does the Senator from New Hampshire intimate that a solitary person has given an assurance that he would do a corrupt act in any contingency, or that anyone else would act corruptly? Does he pretend that any person has done wrong? No; but he wishes to inquire whether some one has visited Congress and has advocated free coal. He wishes to find out whether some one interested in this matter has appeared at the Capitol and has spoken to Senators concerning free coal. Would my friend from New Hampshire think that he was personally outraged and that he had a cause for war if some one asked him whether he would or would not vote in a particular way upon a named measure, and if that person adduced arguments of a legitimate character could anyone rationally object? I do not speak of improper arguments, for I assume that such would not be offered to anyone, much less to the Senator from New Hampshire.

But my criticism of this resolution is that there being in it no charge of crime, no charge of wrong, no imputation of want of rectitude, there is nothing for the Senate to investigate. If the Senator from New Hampshire had asked for information which might bring facts regarding the economic features of the tariff before the Senate, that would be a matter proper for the Finance Committee to examine in regular order; but here is a mere effort to find out whether an unnamed individual has given assurances that the duty upon coal will be moved, and whether an officer of the Government, also unnamed, is interested in this company or corporation.

Mr. President, suppose an officer of the Government is interested in this company. I do not know whether that be so or not. I have no idea who the stockholders are, except as my friend from New Hampshire has told us publicly.

But if it be true that an officer of the Government is interested in this enterprise—and my friend has not even charged that much—it is absolutely a private affair, which we can not investigate. If you and I, Mr. President, were put upon the witness stand and asked as to the stockholders in this company we might refuse to reply, it being immaterial to any issue of importance here, and we could never be prosecuted successfully for contempt.

My friend from Texas has offered an amendment which, as he says, is equally irrelevant, but it is also equally relevant to any material matter in hand. He proposes to inquire whether officers of the Government are interested in the maintenance of a high duty equally immaterial, equally not a subject of investigation, equally a matter with which the Senate has no concern.

If the Dominion Coal Company has sent its emissaries here, if they have talked to Senators, they had a right to do so. So far as I know, so long as there were no improper propositions made, so long as there were no undue advances made, I can not see that we have any right to investigate the matter. No one charges impropriety.

If my friend from New Hampshire believes that there has been wrong attempted, why does he not ask a committee to investigate whether there was a crime committed; why does he not recite that it has been charged by somebody that a crime has been done, that a wrong has been done, that something more than legitimate argument has been utilized? Why does he not accuse some one of something? Why does he ask for an omnibus investigation, which will accomplish no more than consume time and bring about no valuable result, which will naturally make us ridiculous in the eyes of the people?

* * * * * * * * * *

The Senate having under consideration the resolution offered by the Senator from New York [Mr. HILL], as follows:

Resolved, That the conferees on the part of the Senate who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and they are hereby, requested to report to the Senate if they are likely to come to an agreement; and if not, to report to the Senate a disagreement; and also to report the principal items of disagreement, so that the Senate may take action thereon.

Mr. WHITE said:

Mr. President, the question before the Senate, as I understand it, arises upon the resolution offered by the Senator from New York [Mr. HILL] and the amendment proposed. I shall not attempt to inquire into the parliamentary proposition, which has been debated to some extent. I prefer to let that matter rest for some little time to come. I find nothing definite regarding it in the Silurian epigrams, miscalled the rules of the Senate. Whenever we are confronted with the actual question of order suggested by the Senator from New York, I shall call upon those whose long experience in the Senate enables them to tell us what the Senate has been in the habit of doing in that regard.

The resolution itself, dissevered from the amendment proposed this morning, will bear re-reading in the light of the brief comment which I propose to make:

Resolved, That the conferees on the part of the Senate who are now considering the differences between the two Houses on House bill 4864, being an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," be, and they are hereby, requested to report to the Senate—

As I understand it, the Senator from New York designs to modify the resolution so as to make the report imperative. He has eliminated the request. Am I not right?

Mr. HILL. Yes.

Mr. WHITE. The resolution continues:

to report to the Senate if they are likely to come to an agreement.

They are ordered to report if they are likely to come to an agreement; and if not, to report to the Senate a disagreement. They are instructed to report to the Senate if they are likely to come to an agreement; and I presume the resolution means that if, in their opinion, they are not likely to come to an agreement, then they shall report a disagreement.

In a parliamentary sense it is absolutely impossible that the gentlemen who constitute the conferees on the part of the Senate can, unaided, report a disagreement. They may come into this body with the declaration "we can not agree with the gentlemen who represent the House of Representatives." But our conferees can not of themselves report a disagreement. The disagreement must result from the failure to act of those who represent both Houses, and must under all parliamentary rules not only express the opinions of both sets of conferees, but must likewise bear the signatures of those assenting to it — a majority of each committee. I presume, however, that the object of the Senator from New York is to bring about such a condition of things that the various gentlemen composing the Committee of Conference on the part of the Senate shall arise here, or report here in some mode, their belief as to the probability of an agreement.

Mr. President, while it is true that a majority of the Committee of Conference is composed of members of the Democratic party, we must not forget that there is a minority representing the other side. We were told when this resolution was introduced—and in the nature of things we know it to be a fact—that that minority has not been in continuous consultation with the majority during the consideration of all the various matters of dispute which have had the consideration of the Democratic conferees, and as has been admitted and as must necessarily be true, there was no discourtesy involved or intended in that procedure; but until the Senate conferees and the House conferees meet together, regardless of party, how can it be said that there has been any conference whatever?

The impossibility, or the impropriety rather, of suggesting a report to the Senate at this time, consists not only in the fact that the Senate conferees have no power to make such a report, but likewise because, as we were informed by a distinguished minority member of the committee, the Republican representatives have not even had official notice as to the points of threatened disagreement.

Mr. DOLPH. Will the Senator allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. DOLPH. If the conferees have not yet had a meeting, is it not time they were discharged from the further consideration of the bill and new conferees appointed?

Mr. WHITE. If the Senator from Oregon will excuse me, if I said the conferees have not had a meeting, I did not intend to make such a statement. They have had many meetings, but they have not had meetings upon all the occasions when each of the various items which are the subject-matter of dispute were being considered, nor was it proper that they should, because naturally those who are responsible for the bill prefer to meet and discuss its merits before presenting it to the entire conference. There is no objection to that, I understand, upon any score or by anyone.

Again, if the members of the conference on the part of the Senate desire to be relieved, or if they believe they should receive from the Senate any particular instruction upon any topic, they will come here and make the request. I do not propose to go upon record or to be anywhere regarded as manifesting any want of confidence in our conferees, in their ability, their integrity, or their desire to serve their party and their country, and I do not think that it will subserve any useful purpose to order them or to ask them in an imperative way to do a particular thing.

Our equals upon this floor, we have selected them for their peculiar qualifications, transcending that of the average Senator, to represent the entire body in this delicate and intricate work. The majority of the committee have been persistently and constantly engaged in endeavoring to effect an agreement. That we well understand. Not one word did any member of this committee utter, until this subject was introduced, to indicate that he was tired of his task or anxious that he should be relieved.

I do not agree with my able and eloquent friend from Indiana [Mr. TURPIE] that the passage of this bill or the formulation of any tariff measure would be promoted by such radical action as he desires to have taken or as he has suggested; nor do I think that an instruction such as the Senator from New York proposes will have any other effect than to breed discontent and to make an agreement less probable.

I confess, like the Senator from Indiana, that I look with a doubt at the outset upon the resolution when I know that it comes from my friend from New York [Mr. HILL]. I admit that if he offers a resolution in which I find actual merit the mere fact that he may differ from me with reference to this bill can not justify the withholding of my support. But certainly when we know that the objects of our friend, so far as the bill now before the conference is concerned, are essentially destructive, we should scan with more than ordinary care and attention any resolution which he tenders concerning it, and when we find our distinguished friends upon the other side of the Chamber likewise somewhat enthusiastic for the adoption of this resolution we must not be blamed if we are critical or suspicious.

I believe that, notwithstanding the delay, notwithstanding the manifest desire of the entire country that something shall speedily be done, it will be better that this resolution shall not be passed, and that this conference shall stand as it is now constituted for awhile longer. I may be asked how long; I may be asked if the conferees have not had time enough to agree.

It is easy for those who have no burdens upon their own shoulders, who are unaware of the difficulties of the conference room, who know nothing of those matters which are being considered by our committee day by day, to attack those who are intelligently doing their best and to cry for immediate action. I shall be pleased personally if they are able to evolve a tariff measure agreeable to the country, though they have to wait many days yet. The sooner the better, but it must be done.

Mr. President, the great question is, will action such as the Senator from New York suggests expedite the passage of this measure? That Senator declares that the adoption of this resolution will hasten the result. I think that in one respect he is right. I believe that the adoption of the resolution as he has written it, this instruction to the Senate conferees, will expedite the determination of this matter, because such an expression now means, in my opinion, the death of the bill and the defeat of tariff legislation at the present session. I am willing to wait shortly; I am willing to pause a moment more; I am willing to publicly take my share of responsibility for some further procrastination, rather than to take that action which, in my judgment, must bring about not only political chaos, but, worse than that, the permanent injury or the injury for many years of the whole United States.

Mr. President, the importance of the present enactment of tariff legislation is not confined to the Democratic party; the business interests of this country are clamoring for it. The demand is for affirmative action, too, not negative action, and the mandate for the enactment of a bill is not confined to any particular section or any particular class of people. My friend concedes that. He has given this as one of his reasons for the passage of his resolution. But the means and methods which he has adopted here constitute, in my judgment, the strongest processes which human ingenuity can devise to prevent the accomplishment of the object closest to the heart of the Democratic party, as well as to the business interests of the United States, namely, action upon the tariff at this session.

Mr. President, not only is business prostrated, but we have a Treasury threatened with depletion; we have a Treasury which can not be supplied because of the insufficient revenue derived from the tariff law enacted by the Republican party. We are not legislating merely to restore trade and prosperity throughout the land, but also to enable the Government to maintain itself, carry on its business, meet its obligations, and supply those deficiencies which have been created as the result of misguided antecedent Congressional policy.

Believing, therefore, that the immediate adoption of this resolution would, instead of hastening, retard the enactment of a tariff bill, I shall register my vote against it.

EXECUTIVE SESSION.

Mr. COCKRELL. Mr. President, as Congress is soon to adjourn and there is very important executive business which must be transacted, I move that the Senate now proceed to the consideration of executive business.

Mr. HILL. Upon that I call for the yeas and nays, and I hope the motion will not prevail.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The result was announced—Yeas 35, nays 35; as follows:

YEAS—35.

Bate,
Berry,
Blackburn,
Blanchard,
Brice,
Caffery,
Call,
Camden,
Cockrell,
Coke,
Faulkner,
George,
Gibson,
Gordon,
Gorman,
Gray,
Harris,
Jarvis,
Jones, Ark.
Lindsay,
McLaurin,
Martin,
Mills,
Mitchell, Wis.
Palmer,
Pasco,
Pugh,
Ransom,
Roach,
Smith,
Turpie,
Vest,
Vilas,
Walsh,
White.

NAYS—35.

Aldrich,
Allen,
Allison,
Carey,
Chandler,
Cullom,
Davis,
Dixon,
Dolph,
Dubois,
Frye,
Gallinger,
Hale,
Hansborough,
Hawley,
Higgins,
Hill,
Hoar,
Jones, Nev.
Kyle,
Lodge,
McMillan,
Manderson,
Mitchell, Oregon.
Murphy,
Patton,
Peffer,
Perkins,
Pettigrew,
Power,
Proctor,
Sherman,
Shoup,
Teller,
Washburn.

NOT VOTING—15.

Butler,
Cameron,
Daniel,
Hunton,
Irby,
McPherson,
Morgan,
Morrill,
Platt,
Quay,
Squire,
Stewart,
Voorhees,
Wilson,
Wolcott.

The VICE-PRESIDENT. Upon the motion of the Senator from Missouri that the Senate proceed to the consideration of executive business, the yeas are 35 and the nays are 35. As the Senate is equally divided, the Vice-President votes "yea," and the motion is agreed to. The Sergeant-at-Arms will clear the galleries and close the doors of the Senate.

The Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, August 13, 1894, at 12 o'clock m.

The following tables, which must prove instructive, were carefully compiled at the request of Senator WALSH of Georgia:

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, with per cent. of reduction by Senate bill on the undermentioned articles.

Articles	Mills bill (1888)	McKinley bill	Senate bill	Per cent. of reduction by Senate bill over McKinley bill
Camphor, refined	15.25	12.20	10	18.03
Sumac, extract of	20	23.24	10	56.97
Epsom salts	63.90	38.34	25.51	33.46
Castor Oil	50.17	100.35	43.87	56.28
Cod-liver oil	25	28.65	20	30.19
Opium, prepared for smoking	141.58	169.65	84.82	50
Chromium Colors	25	30.84	20.56	33.33
Ocher	19.64	19.64	16.37	16.66
Sienna	21.14	21.14	17.62	16.66
Umber	25.80	25.80	21.50	16.66
Spirit varnishes	74.56	69.56	59.56	14.38
All other varnishes	40	35	25	28.57
Whiting:				
Dry	142.48	142.48	71.24	50
Ground in oil (putty)	189.50	189.50	94.75	50
White lead	39.47	59.21	29.60	50
Nitrate of potash	21.32	21.32	10.66	50
Bicarbonate of soda	45.35	60.47	30.24	50
Bichromate of soda	45.59	45.59	25	45.16
Strychnia, or strychnine	117.24	93.79	70.34	25
Sulphur, sublimed	34.39	28.66	20	20.22
Sumac, ground	14.86	19.81	10	49.52
China:				
Painted, etc	50	60	35	41.67
Plain	40	55	30	45.45
Bottles:				
Empty	70.17	70.17	52.63	25
Filled	71.48	71.48	53.61	25
Demijohns, empty	37.91	37.91	28.43	25
Manufactures of glass	40	60	35	41.67
Cylinder glass, polished, unsilvered	17- 64	20- 64	13- 48	25- 38
Plate glass, fluted, etc	49- 64	49- 64	37- 43	25- 33
Plate glass, unsilvered, cast, etc	98-174	98-174	88-122	10- 30
Plate glass, cast, silvered, above 24 by 60	37.04	49.39	31.28	36.67
Cylinder and crown glass, silvered	32.91	43.88	27.79	36.67
Spectacle lenses	40	60	35	41.67
Stained or painted window glass	40	45	35	22.22
Roofing slate	25	25	20	20
Iron ore	42.70	42.70	22.77	46.67
Iron in pigs, etc	23- 37	26- 41	15- 21	40.47
Scrap iron	42.70	47.83	28.47	40.48
Scrap steel	38.39	43	25.59	40.49
Bar iron	27- 53	25- 53	16- 32	25- 40

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, etc.—Continued.

Articles	Mills bill (1888)	McKinley bill	Senate bill	Per cent. of reduction by Senate bill over McKinley bill
Bars of rolled iron	56.18	61.77	44.93	27.25
Boiler or other plate iron or steel	95	54	25	53.70
Rails of steel	60.67	58.24	33.99	24.47
Sheets of iron or steel, common or black	62- 25	25- 70	20- 55	21- 30
Tin plate	Free	78.44	42.32	46.05
Tin, manufactures of	40	55	35	36.36
Steel ingots, etc	22- 45	29- 50	20- 40	20- 35
Wire rods	34	34	22.67	33.33
Cast-iron vessels, etc	28.31	26.97	17.98	33.33
Malleable iron castings	36.37	31.83	16.37	48.57
Hollow-ware	29.43	35.33	23.55	33.34
Chains	39.41	47.28	30	36.55
Firearms	35	41- 80	30	27- 62
Nails	23- 39	23- 46	23- 39	4- 46
Railway fish plates	57.54	72.18	25	65.36
Hand, back and other saws	30	40	25	37.50
Screws	53-133	47-111	33- 67	28- 40
Wheels	66.98	83.72	41.86	50
Plates, rolled, brazier's copper	30	35	20	42.86
Gold leaf	33.65	44.87	30	33.14
Silver leaf	77.78	77.78	30	61.43
Lead sheets	32.98	36.65	18.33	50
Nickel	36.65	23.77	14.26	40
Gold Pens	35	30	25	16.67
Penholders and parts of	30	30	25	16.67
Pins	30	30	25	16.67
Zinc in sheets	23.35	29.19	14.59	50
Manufactures of Metal	40	45	35	22.22
Shooks and boxes	30	30	20	33.33
Casks and barrels	30	30	20	33.33
Clocks, of wood	30	35	25	28.57
Rice, cleaned	111.85	111.85	83.89	25
Rice, uncleaned	64.19	64.19	41.08	20
Honey	44.83	44.83	22.42	49.99
Oranges, lemons, and limes	15- 33	12- 31	12- 32	....
Comfits, sweetmeats, etc	35	35	30	14.29
Nuts, not shelled (almonds)	51.34	51.34	30.80	40.01
Nuts, shelled (almonds)	42.42	42.42	28.28	33.33
Filberts, not shelled	52.99	52.99	35.32	33.35
Peanuts, unshelled	54.64	72.86	20	72.55
Extract of meat	20	17.95	15	10.87
Spirits, distilled	73-294	91-367	65-264	28
Cotton cloth:				
Not over 100 threads:				
Not bleached	40	35.17	25.05	37.39
Bleached	40	38.60	26.53	31.27
Dyed, colored, etc	40	40.80	30.54	25.15
Exceeding 100 threads:				
Not bleached	40	42.39	32.39	23.59
Bleached	40	43.27	35	18.88
Dyed, etc	40	43.84	28.84	11- 40
Cables, cordage, and twine	16- 25	16- 31	10- 20	40- 17
Bagging for cotton	15.24	32.52	Free	100
Woolen yarns	40	278.66	30	89.23
Shawls, woolen, not above 40 cts. per lb.	40	150.30	35	76.71
Knit fabrics not above 40 cts. per lb.	40	136	35	74.27
Blankets	40	80-104	35	66- 71

Statement of average ad valorem rates of duty of the Mills bill, McKinley law, and Senate bill, etc.—Continued.

Articles.	Mills bill (1888)	McKinley bill	Senate bill	Per cent. of reduction by Senate bill over McKinley bill
Hats of wool	40	86-106	35	72
Flannels, not over 50 cts. per lb.	40	85-104	25- 35	66- 71
Silk, partially manufactured	60.50	60.50	20	66.94
Silk, webbings, gorings, etc	50	50	45	10
Silk buttons	50	50	45	10
Silk dress goods	50	50	45	10
Silk ribbons	50	50	45	10
All other silk	50	50	45	10
Writing, drawing and all other paper, n. s. p.	25	25	20	20
Dolls and other toys	30	35	25	28.57
Emery	25.19	25.19	20.15	20
Firecrackers	100	147.32	50	66.06
Coal, bituminous	22.72	22.72	12.12	46.65
Slack or culm of coal	28.68	28.68	14.34	50
Coke	20	20	15	25
Matches	35	33.93	20	41.06
Haircloth, known as crinoline cloth	30	27.99	20.99	25
Haircloth, known as hair seating	23.22	23.22	15.48	33.33
Leather, bend or belting, and sole	15	10	10	....
Calfskin, japanned	30	30	20	33.33
All not specially provided for	15	10	10	....
Boots and shoes	30	25	20	20
Manufactures of India rubber	30	30	25	14.29
Umbrellas, covered with silk or alpaca	50	55	45	18.18
Burrstone, manufactured	20	15	Free	100
Composition metal, copper	35	6.49	Free	100
Plates of copper, not rolled, etc	18.88	11.80	Free	100
Cider	20	18.52	Free	100
Binding-twine	15	6.47	Free	100
Paintings in oil or water colors	30	15	Free	100
Statuary	30	15	Free	100
Hatters' plush	15	10	Free	100

Some of the most prominent reductions of duty proposed by the Senate bill are set forth below:

Articles—	*Per cent. of reduction.*
Borax, refined	60.00
Castor oil	56.28
Peppermint	46.89
Baryta, manufactured	55.36
Whiting, dry	50.00
Paints, ground in oil	50.00
Zinc paint	42.80
Lead, red	49.99
Lead, white	50.00
Soda (saleratus)	50.00
Soda, caustic	50.00
Sal, or soda crystals	50.00
Sponges	50.00
Cement	50.00
Lime	16.67
Clocks, china	58.33
Iron ores	46.67

Articles—	*Per cent. of reduction.*
Bars, blooms, etc. (charcoal)	45.46
All others, and slabs, blooms or loops	76.31
Sheets or plates (iron or steel)	45.73
Tin plates	46.05
Wire rope made of steel wire not smaller than No. 5 wire gauge	58.40
Sheets	60.09
Chains	61.50
Penknives and pocketknives	42.50
Knives and forks	52.99
Firearms, pistols	53.15
Shotguns	55.88
Nails, wire	46.16
Spikes	76.67
Bronze metal leaf	60.88

Articles.	*Per cent. of reduction.*	*Articles.*	*Per cent. of reduction.*
Silver leaf	61.43	Knit fabrics	74.27
Lead	50.00	Blankets	71.66
Zinc, in sheets	50.00	Hats of wool	71.80
Sugar candy	70.51	Flannels for underwear	71.02
Mules	78.55	Woolen dress goods	54.17
Cattle	68.36	Woolen plushes	52.42
Beans	50.78	Carpets	63.67
Castor beans or seeds	50.00	Silk, partially manufactured	66.94
Raisins	40.02	Silk velvets	68.58
Peanuts	72.55	India-rubber wearing apparel	38.59
Apples, dried	52.84	Paper sheathing	50.00
Lard	50.00	Playing cards	62.60
Mustard	46.60	Brooms	50.00
Cotton cloth	50.00	Buttons, pearl	41.16
Cotton plushes	44.94	Shoe buttons	61.56
Flax	49.95	Firecrackers	66.06
Cables, hemp, untarred	55.24	Coal, bituminous	46.65
Cables, tarred	67.98	Matches	41.06
Gill netting	72.34	Gun wads	71.43
Shoddy	71.43	Gloves	50.00
Woolen yarns	89.23	Cocoa matting and mats	72.17
Woolen shawls	76.71	Clay pipes	80.34

THE POWER OF A STATE LEGISLATURE TO INSTRUCT A SENATOR OF THE UNITED STATES

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Friday, January 20, 1899.

Mr. WHITE. Mr. President, I arise for the purpose of presenting a matter of personal privilege, but if a vote can be had upon the amendments connected with the Nicaraguan Canal bill without debate, I will be glad to yield the floor. I do not know whether it is desired to further discuss that bill. If it is, I shall gladly yield to any Senator who desires to do so.

Mr. SPOONER. We will be very glad to listen to the Senator.

Mr. CAFFERY. I will state to the Senator from California that, so far as I am concerned, I do not wish to discuss the bill any further. I will offer to amend the amendment I submitted yesterday evening and let the Senate vote on that. I have no further remarks to make. I can not speak for anybody but myself.

Mr. WHITE. Mr. President, I desire to say a word regarding a question somewhat personal to myself and also of public interest.

I have been notified that the Legislature of California, on the 7th of this month, passed without dissent a resolution in the following words:

> *Resolved by the Senate and Assembly jointly,* That our Senators in Congress are hereby instructed to vote for and in every manner support the ratification by the Senate of the treaty of peace between the United States and Spain recently concluded at Paris by the joint commission representing said powers, and to vote against any amendment to the same.
>
> *Resolved,* That a copy of these resolutions be immediately transmitted to each of our Senators at Washington by telegraph by the secretary of the Senate.

The question, therefore, is, am I, as a Senator, to vote in accordance with my convictions, or must I vote in compliance with the present views of others?

At the opening of the present session of the California Legislature a communication from my colleague [Mr. PERKINS] was presented. The Legislature of California contains a membership of 120, of which the Republican party claims 85. My colleague acted in accordance with what he conceived to be his duty and with the highest motives. He considers that a Republican Legislature is empowered to instruct him as to his vote on this matter. I have here a copy of his communication, which I ask the Secretary to read.

THE PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY read as follows:

> With a full and realizing sense of my obligations and responsibility to my country, and especially to the people of California, I venture to address you

this petition and to ask your advice and instructions as to the course you wish me to pursue upon the pending question as presented of territorial expansion. I am deeply impressed with the belief that it is fraught with more importance to the welfare of our country than any problem has possessed which has arisen during the present generation.

If an apology is needed for my action in seeking your counsel, it is offered in the declaration that I have always believed, and have reiterated the same in my public utterances, that a public office is a public trust, and that a representative, whether an alderman of a city council, a supervisor of a city and county, a representative in the State Legislature or in the Congress of the United States, is but the agent, for the time being, of the people, and should at all times be influenced by the wishes of the majority of his constituents. The present great national question of purchasing far distant foreign territory, densely inhabited by alien races, the people of our State have had the opportunity of studying and on it arriving at a decision. Therefore, I believe it my duty to defer my individual opinion and judgment to the wishes of the people of California, whom I have the honor, in part, to represent in the Senate of the United States.

I owe the honor of my election to the Legislature. Many of the members who voted for me have been re-elected, and all, coming direct from the people, know their sentiments and wishes upon many of the vital political issues of the day. I am strengthened in my sense of duty to the people of California that I should seek through you their advice upon this great question, because on former occasions you have, by joint resolutions in relation to the construction of the Nicaragua Canal, the railroad, monetary, and other national questions, passed resolutions the language of which reads, "That our Senators be instructed and our Representatives in Congress requested," etc.

The Paris treaty of peace agreed upon and signed by the commissioners must be ratified by two-thirds of the Senate present. The people of the United States welcome peace, and the treaty will be ratified, either as a whole or with amendments.

In the absence of instructions, through you, from the people of California, I shall vote to amend section 7 of the treaty, which provides for the payment of $20,000,000 for the relinquishment of Spain's sovereignty of her interests in the Philippine Islands to the United States. I am influenced in this course by the following reasons:

The United States require only a military reservation, naval and coaling station in the Philippine Islands. It also seems to me to be contrary to the spirit of our Constitution to acquire a territory on the Asiatic coast, nine times as densely populated as California, whose inhabitants equal in numbers one-seventh of the present population of all the United States, and who are, moreover, a mixed people, consisting of Malays, Tagals, Chinese, Vizcayans, Sulus and Negritos that have no conception of a government by the people, and can only be controlled by force of arms. The great governmental success of the United States is due to the fact that back of the Government has been the great patriotic heart of the nation, which has found its source of power in the intellectual, religious, thinking people of the land, who agree that the ballot box should be the arbiter of our political differences.

The War Department states that it will require 50,000 troops to maintain order and protect property in Cuba after all the Spanish troops have been returned to Spain. We now have 25,500 troops in Manila, and to garrison the other cities of the island of Luzon it will require three times that number.

The control of all the islands means an annual expense for a standing Army, the expense of a civil government for the islands, and an additional Navy. It is estimated that this will, in all, amount to about $100,000,000 per year. The Secretary of the Navy recommends in his annual report that if we annex the islands the present Congress should authorize the building of three first-class battle ships and twelve cruisers; otherwise three armored cruisers will be sufficient to provide for building by the present Congress. This does not make a good business showing when we consider that the total of exports and imports to and from the Philippine Islands to all countries of the world is estimated at only $30,000,000 per annum.

But, it is asked, are not the Philippines capable of development, as was the Louisiana Purchase, California, Alaska, and other acquired territory? The answer is "No!" There are no lands to pre-empt or homestead, as they are already densely populated by Asiatic races; and the islands being located in the Tropics, the Anglo-Saxon race can not thrive and build republican institutions and homes in those low latitudes. The country is subject to earthquakes, tornadoes, floods, and epidemic diseases, and those not immuned to the climate find it impossible to endure it, the mean temperature being 84° F., while the minimum temperature is 59°. The rainfall at Manila averages 99 inches per annum, while in other parts of the islands it reaches 156 inches (13 feet), which makes the humidity of the atmosphere so great that the heat is very oppressive and debilitating. But no stronger evidence can be presented of the undesirableness of the islands as a place to live in than the hundreds of telegrams and letters that daily reach me and others in Congress from friends and relatives of soldiers asking our influence to have their "boys" discharged and sent home, as they are sick and can not stand the climate.

California is especially interested in the question of the acquisition of the Philippine Islands, as it affects the cultivation of the sugar beet and the whole beet-sugar industry, in which tens of millions of dollars have been already invested. Our farmers can not compete in raising beet sugar against the cheap peon labor of these islands, where Chinese and Malays work for 15 cents in silver per day. We labored for many years to pass the Chinese restriction act and remove the blight of cheap contract labor from our lands. Yet, if this treaty is adopted, we open the doors and at one full swoop let in the 10,000,000 of Asiatic; for if the Philippine Islands become a Territory of the United States, its inhabitants will be citizens of the United States, as were the Mexicans of California. But even if it should be possible to withhold from all or a part of the inhabitants citizenship, and unjustly tax them without representation, none will deny. that their children would, under our Constitution, be citizens of the United States and be entitled to all of the rights and privileges thereunder. Are we ready to receive such a heterogeneous people into our political family?

Congress made declaration that "Not for gain, not for territory, but for freedom and humanity the war was waged in Cuba." Our flag is there, and in due time it will come down as it did at Chapultepec, Palo Alto, and other towns in Mexico, and it will come down in honor and with the approval of the President and of the American people, because they made such a declaration through their Congress. Our flag means civil and religious liberty, and I do not believe the American people will ever permit it to permanently wave over vassal states or a subjugated race.

It is said, however, that we have incurred responsibilities by the late war which must be met in a manly spirit. We are endeavoring to do so in Cuba. But we have made no promises to the Filipinos, or to the misgoverned and oppressed Spaniards in Spain or their other colonies, and certainly our task is bounded by our abilities. Many also may doubt if it is the best thing we can do for the Filipinos to proceed to rule them by force of arms as we have the Indians of this country. It is well to stop and consider some other plan.

But is it not our duty to first turn our attention to some of the many great questions that so deeply concern our own people and the welfare of our own country? The conflict between labor and capital, the control of trusts and corporations, the regulation of the charges of the transportation, telegraph, and telephone companies, the education and establishment of manual training schools for the colored people of the South, the government of Alaska, the Indian and monetary questions, the reclamation of arid lands, the storage of water and preservation of our forests, the building of the Nicaragua Canal, and the improvement of our rivers and harbors should find sufficient work for the statesman at home.

It is the custom on the anniversary of the birthday of Washington to transact no legislative business in Congress, but to select some Senator to read his Farewell Address. May we not, with benefit to the country, anticipate the day and now read the following words, that seem to apply with accentuated force at this time:

"Observe good faith and justice toward all nations. Cultivate peace and harmony with all. * * * 'Tis our true policy to steer clear of permanent alliances with any portion of the foreign world. * * * Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest."

Again: "The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible."

Awaiting your instructions as to the course you wish me to pursue in relation to this great question, knowing that you will be influenced only by patriotism and by that which you believe to be for the best interest of our State and nation, I have the honor to remain,

Your obedient servant,

GEORGE C. PERKINS.

Mr. WHITE. Mr. President, responding to this invitation (in which I did not join) and in opposition to my views and also to those of my colleague, the joint resolutions above quoted were passed. I do not consider myself in any manner bound thereby, nor can the present Republican Legislature, even with the concurrence of the Democratic minority, dictate my vote; nor can any Legislature or community rule my conscience or compel me to support a measure which I deem subversive of good government. I can not, were I willing to do so, trade my matured judgment for the opinion, however respectable, of any man or set of men. The reasons which my colleague gives in his letter for an amendment eliminating the provision for the payment of $20,000,000 for the cession of Spanish sovereignty in the Philippines are, when directed against the whole treaty, strong and, in this respect, convincing. I take pleasure in indorsing them, and only regret that as he is politically allied with our Legislature and has sought their views in accord with his conception of public duty, it is impossible for him to carry out his personal conviction.

I agree that popular sentiment should influence to a legitimate extent a public servant. It is worthy of patient and careful consideration. I recognize this fully and act upon this theory. It is undoubtedly true that Senators are the agents, in a qualified sense, for the time being, of the people of their States; but their agency involves discretion. They are not to shift their positions with every turn of the tide. As this is not a pure democracy, but is a representative Government, it is not expected that Senators will change their views with every altered political or other determination of those from whom they have derived their positions. That a public office is a public trust will not be denied, but that a Legislature should not have and has not the power to instruct a Senator to do that which in his opinion is wrong in itself and beyond the rightful power of Congress is clear enough to me.

If the majority of the people are to rule with reference to the votes of a Senator, and if the wishes of the Legislature are determinative of the desires of the people, it follows that a Senator, chosen as a Republican, must, if the Legislature succeeding that which elected him instructs him to vote for a free-trade measure, obey and ignore his convictions. There is no warrant in the California constitution for anything of this sort, nor has any constitutional convention anywhere sought to compel Senators to vary their votes in accord with the shifting uncertainty of party legislative success. Senators are chosen for six years. Members of the assembly hold for two years only; our State Senators for four years. Is a two-year or a four-year legislator to tie up and order about a six-year Senator? I am not speaking of this in a personal sense at all. I am discussing it on principle. A State Legislature has no jurisdiction as to foreign issues or annexation questions. Notwithstanding there may be an unusual number of great international lawyers and publicists in the Republican majority of the California Legislature, their presence must be due to accident.

They were nominated and elected to frame State laws. They have the authority to choose a Senator, but such a Senator can not do his duty unless he opposes all propositions deemed by him to be unconstitutional or inimical to republican government.

The Senate of the United States is charged with the duty of advising and consenting as to treaties, and so carefully has that obligation been guarded that the Senate usually transacts that business in secret that there may be more freedom. Senators are bound, under penalty of expulsion, not to divulge executive proceedings. Some hold, erroneously, I take it, that a Legislature may instruct a Senator of its own political faith. No one, I think, up to this time, has pretended that a Senator of an adverse party can be compelled to regard the wishes of the Legislature whose election as a whole he has opposed and denounced as a menace to the public weal. I will patiently and carefully consider the suggestions of my Legislature, but in the end, after faithfully weighing their judgment, my own must control. While legislators are not chosen because of their ability to deal with topics of this kind, the contrary is, or ought to be, true of those who sit here.

Whatever may be the actual state of affairs as to my soundness upon this subject, I ought, in the nature of things, to be better advised—it being my duty to know—than those who are not similarly obligated. This is true, not only as to my case and this question, but must be so as to all United States Senators and as to almost every such issue. If my Republican friends in the California Legislature, for many of whom I have a high personal regard but no political sympathy, or my Democratic friends who have complimented me with their votes, which I greatly appreciate, can inject their constitutional and international sentiments into my judgments, and thus direct me against my will in this affair, I may hereafter be advised by them or by others to vote for the single gold standard and to defend similar views. I do not understand that it will be my place to do this, even if I should believe that the people of my State were transitorily otherwise inclined.

I was elected as a Democrat, and shall remain one to the end of my term, and, I trust, afterwards. Intermediate elections will not alter my politics. If I owe anything to the Republican majority of the present Legislature, I am not aware of it, and I owe nothing to anybody for which I must pay my own self-respect. My sentiments on this matter have never been obscure. I have expressed them on numerous occasions, here and elsewhere, since the first year of my incumbency. I do not propose to put myself in a position, when the Philippine treaty comes up, of saying to my colleagues, "I think this treaty ought to be amended, but the Legislature of California thinks otherwise, and I will not vote for an amendment. I believe the ratification of this treaty would be a blow from which it would be difficult for the Republic to rally. Nevertheless, I will deliver that blow, because the Legislature of my State demands it. I think the treaty violative of the Constitution, antagonistic to the Declaration of Independence, and destructive of free government, but in obedience to my Legislature I will vote for it."

It appears to me that a Senator ought to act in accordance with his own views of propriety as to every measure, and should remember that he is elected because of his supposed qualification to interpret the organic law and to legislate with honor and freedom.

In 1893 the Legislature of California, when one branch was Republican and the other Democratic, passed a resolution favoring the annexation of the Hawaiian Islands. Two years later and in the next Legislature a similar resolution was defeated in the Senate, a majority of the Republicans and all of the Democrats voting against it. This occurred on the 1st of March, 1895.

On February 18, 1895, the Republican Legislature passed a resolution which, without the preamble, is in the following terms:

> *Resolved,* That our Senators in Congress be instructed and our Representatives be requested to earnestly and urgently advocate the immediate enactment of such laws as may be necessary to provide for the immediate resumption of the free and unlimited coinage of silver in the ratio of 16 to 1; and be it further
>
> *Resolved,* That our Senators be instructed and our Representatives be requested to actively advocate the enactment of such laws as may be necessary to prevent the issue of United States bonds for the sole purpose of maintaining a single gold standard of money.

It is certain that no such proposition could pass the present California Legislature. These incidents demonstrate the futility of attempting to keep track of public sentiment as thus recorded. A Senator who will follow such a plan should have no opinion of his own, or, if he entertains a view upon any topic, he should carefully conceal it. There are a number of precedents here and elsewhere with reference to this subject. I will first direct attention to an oft-quoted instance, that of Burke, who said:

> I am sensible that no endeavors have been left untried to injure me in your opinion. But the use of character is to be a shield against calumny. * * * The very attempt toward pleasing everybody discovers a temper always flashy and often false and insincere.

He further said:

> Gentlemen, we must not be peevish with those who serve the people, for none will serve us whilst there is a court to serve but those who are of a nice and jealous honor. * * * Depend upon it that the lovers of freedom will be free. None will violate their conscience to please us, in order afterwards to discharge that conscience, which they have violated, by doing us faithful and affectionate service. If we degrade and deprave their minds by servility it will be absurd to expect that they who are creeping and abject toward us will ever be bold and incorruptible assertors of our freedom against the most seducing and the most formidable of all powers.
>
> To open my whole heart to you on this subject, I do confess, however, that there were other times besides the two years in which I did visit you when I was not wholly without leisure for repeating that mark of my respect. But I could not bring my mind to see you. You remember that in the beginning of this American war (that era of calamity, disgrace, and downfall, an era which no feeling mind will ever mention without a tear for England) you were greatly divided; and a very strong body, if not the strongest, opposed itself to the madness which every art and every power were employed to render popular, in order that the errors of the rulers might be lost in the general blindness of the nation. This opposition continued until after our great, but most unfortunate, victory at Long Island. Then all the mounds and banks of our constancy were borne down at once; and the frenzy of the American war broke in upon us like a deluge.
>
> This victory, which seemed to put an immediate end to all difficulties, perfected us in that spirit of domination which our unparalleled prosperity had but too long nurtured. We had been so very powerful and so very prosperous that even the humblest of us were degraded into the vices and follies of kings. We lost all measure between means and ends, and our headlong desire became our politics and our morals. All men who wished for peace,

or retained any sentiments of moderation, were overborne or silenced; and this city was led by every artifice (and probably with the more management because I was one of your members) to distinguish itself by its zeal for that fatal cause. In this temper of your and my mind I should have sooner fled to the extremities of the earth than to have shown myself here.

I, who saw in every American victory (for you have had a long series of these misfortunes) the germ and seed of the naval power of France and Spain, which all our heat and warmth against America was only hatching into life — I should not have been a welcome visitant with the brow and the language of such feelings. When, afterwards, the other face of your calamity was turned upon you and showed itself in defeat and distress, I shunned you full as much. I felt sorely this variety in our wretchedness, and I did not wish to have the least appearance of insulting you with that show of superiority which, though it may not be assumed, is generally suspected in a time of calamity from those whose previous warnings have been despised. I could not bear to show you a representative whose face did not reflect that of his constituents — a face that could not joy in your joys and sorrow in your sorrows. But time at length has made us all of one opinion, and we have all opened our eyes on the true nature of the American war, to the true nature of all its successes and all its failures.

On the 4th of February, 1878, the Legislature of Mississippi passed a joint resolution with reference to the free coinage of silver, which, omitting the preamble, was as follows:

Be it resolved by the Senate of the State of Mississippi (*the House of Representatives concurring*), That our Senators be instructed and our Representatives requested to vote for the act remonetizing silver and to use their efforts to secure its passage.

This resolution was presented in the Senate by Senator, afterwards Justice, Lamar, in a very earnest address, in which he said:

During my life in that State it has been my privilege to assist in the education of more than one generation of youth, to give impulse to wave after wave of the young manhood that has passed into the troubled sea of her social and political life. Upon them I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. Today my lessons confront me. Today I must be true or false, honest or cunning, faithful or unfaithful to my people. Even in this hour of their legislative displeasure and disapprobation I can not vote as these resolutions direct. I can not and will not shirk the responsibility which my position imposes. My duty, as I see it, I will do; and I will vote against this bill.

During the progress of the debate, Mr. Lamar wrote to Hon. James Gordon, a member of the Legislature of Mississippi, and in his letter he said, among other things:

I recognize the right of a Legislature to express its opinions upon questions of Federal policy, and I think such expressions of opinion are entitled to the most respectful and patient consideration of the Federal Representatives; and if there be any doubt in the mind of either a Senator or a Representative as to what his course ought to be, he should give to the sentiment of his people, as expressed by the Legislature, the full benefit of that doubt, and vote in accordance with their wishes. But in this particular case their wishes are directly in conflict with the convictions of my whole life; and had I voted as the House of Representatives directed, I should have cast my first vote against my conscience.

It is impossible for a public man to serve the interests of his people and to secure their lasting prosperity if he does not study closely and anxiously the great questions which come before Congress and speak without reserve the honest conclusions to which those investigations have brought him. If he allows himself to be governed by the opinions of his friends at home, however devoted he may be to them or they to him, he throws away all the rich results of a previous preparation and study, and simply becomes a commonplace exponent of those popular sentiments which may change in a few days. Without assuming to be a man of any largeness of character myself, or intellect, I do know that such a course will dwarf any man's statemanship.

In 1893, when the so-called Hatch bill in relation to dealing in futures was pending, the Senator from Missouri [Mr. VEST] said (CONGRESSIONAL RECORD, Fifty-second Congress, second session, volume 24, part 2, page 992:)

> Mr. President, I have no arguments to make against this bill in addition to those I have already presented to the Senate, but on the 24th of this month the House of Representatives of the General Assembly of Missouri instructed the Senators from that State, by vote of 116 to 13, to support this bill. I have the greatest respect for that feature of our Government which makes the public servant a representative of the intelligent opinion of his constituents, but there is a limit to the right of instruction, and no Legislature can make me violate the Constitution of my country, which I have sworn to support. No General Assembly has the right to make me commit perjury and trample upon my own judgment and conscience. It may be that this expression of opinion by the House of Representatives of the General Assembly of Missouri is the deliberate and fixed sentiment of an immense majority of my constituents. If so, I shall bow to the inevitable result and accept their arbitrament and action with pleasure. Much as I appreciate the honor they have done me, much as I am attached to the personal associations which so long have surrounded me here, there is, Mr. President, sunshine in other places besides Washington City, and the air of the prairies is purer than that in this Chamber. I prefer my own self-respect to personal or political applause, and I shall, therefore, with the greatest pleasure imaginable, vote against this bill.

On February 4, 1898, Senator LINDSAY stated the situation with reference to legislative control over Senators quite tersely, thus:

> Resolutions emanating from State Legislatures touching matters pending in the Federal Congress are entitled to most respectful consideration, and always receive it. But they can not determine the duty of a Senator or relieve him from the responsibility of his position. His judgment and conscience are at last to guide his conduct. I am a Senator from Kentucky, but I am also a Senator for the United States. In questions local to Kentucky I am always ready to serve her interests to the best of my ability, consistent with the obligations of honesty and fair dealing, and regardful of the limitations of the Constitution. When great public interests, affecting alike every portion of the Union, are to be acted upon, they are to be considered from the standpoint of the broadest patriotism, and this I propose to do, no matter who may condemn my action or who approve it. There are occasions when considerations of local favor and party discipline must for the time give way, and if a Senator who acts upon that principle is to be driven from his place by his State Legislature whenever he may contravene local sentiment or temporary passion, the dignity of the Senate will soon be a thing of the past. — CONGRESSIONAL RECORD, Fifty-fifth Congress, second session, volume 31, part 2, page 1433.

When we declare on oath and call the Almighty to witness that we will support and maintain the Constitution, we do not say or mean the Constitution as interpreted by a Legislature, but as it should be read. Even the people can not compel us to break our word. There is no procedure by which the people are to directly determine any appeal as to these questions. If I am wrong as to this, let us adopt the referendum system. Neither the Republican nor Democratic parties when in domination have sought to do anything of the kind anywhere. If we must sound the public pulse, we must do so directly, and if a Democrat can thus be made to vote for a Republican measure and *vice versa,* a new condition will have arisen. If the public are to be appealed to, it is imperative that there should be a vote that mistakes may be avoided. There is no law for this, nor would I favor such an enactment.

Entertaining these views, I should not deserve or seek the confidence of anyone if I did otherwise than I am doing. I am bound to remember that the welfare of the entire Republic is my solicitude, and that my country's interest, national and State, under the Constitution, must be protected, and that I can not justify myself because a Legislature sees fit to interpret the situation in a manner which I deem erroneous and dangerous. It is peculiar that the resolutions to which I refer were passed with but immaterial consideration, while here, in a body which contains three of the members of the joint commission, all parties have deemed much longer time necessary.

It will scarcely be argued, I take it, that deliberation arises from incompetency or that the peculiar qualifications of any Legislature, however able, justify its attempt to determine such grave questions without anything in the nature of a reliable record and in the absence of that thought which is vital to accurate determination. We are even instructed to vote against all amendments. Whether any considerable number of those who supported this instruction had any opportunity to, or did, peruse the full text of this treaty, I can not say; but it is fair to assert that no one at this date is authorized to affirm that no amendment worthy of adoption can be proposed. Certainly the valuable papers transmitted here by the President, and covering several hundred pages, could not have been examined.

Erroneous notions as to the distribution of the powers of our Government are most serious. There are several Senators in this Chamber who have held the chief executive office in their respective States. They have undoubtedly appointed judges in various courts. Will either of these distinguished Senators say that after such appointment he felt that as Governor he had the right to dictate the character of decision which his appointee should render? The President, by and with the advice and consent of the Senate, appoints Federal judges, including the justices of the Supreme Court of the United States. Will anyone be foolish enough to say that the President and the Senate together have any right to dictate to the members of that august tribunal as to its conclusions regarding any subject properly before it? This body not only participates in ordinary legislation, but, as I have said, advises the President as to treaties, and it must also advise him as to various appointments. These appointments are referred to committees, and the qualifications of the appointees are carefully examined. Shall we abnegate our functions in this regard, confirm incompetent and vicious men, ratify obnoxious treaties, because our Legislatures desire us so to do? If we must obey them when these instructions are in accordance with right and policy, and disobey in other instances, who is to act as umpire? Where shall the line be drawn?

When certain officers are brought before the Senate to be tried upon impeachment charges, is any member of the Senate to waive his view at the behest of any man, or any official, or any number of men, or any number of officials? Ephemeral success, even when attended with apparent glory, is valueless. Triumphs not based on right are always evanescent. Many an unadorned victory of rectitude has lived long after the pyrotechnics evidencing ill-founded enthusiasm have been obliterated. Nothing should be attractive which will not bear patient study. I have no desire to play any part in establishing anything but that which is not only lasting but likewise just.

I think that every human being ought to feel that he or she owes to the world a contribution demonstrating that the lessons of the past have not been overlooked. An absolute monarchy may pretend to excuse itself upon the theory that it has no responsibility. A Republic can not disentangle itself from its duty to give those within its jurisdiction the best that experience, science, and mental effort are capable of evolving. A Senator is similarly bound. He is not permitted to satisfy himself with the assurance that he has done his duty when he has voted against his best judgment in deference to another's opinion. I regret beyond the power of expression the present situation. It would afford me no little satisfaction and pleasure to find myself acting in accordance with the wishes of the members of the Legislature of my State, but confronting this situation I have no alternative. I must meet the present problem honestly and fearlessly. Hereafter I will consider the subject of expansion upon its merits, and when the roll is called I will vote as I think, and speak without any disrespect toward the Legislature of California, but responding to that obligation of conscience which I can not repudiate without, as I view it, being faithless to my trust and my manhood.

ACQUISITION OF TERRITORY—THE PHILIPPINES

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

Monday, January, 23, 1899.

On the joint resolution (S. R. 191) declaring that under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies; and

The joint resolution (S. R. 211) relative to the acquisition of foreign territory and affirming that such acquirement is but temporary and does not involve permanent dominion.

Mr. WHITE said:
Mr. PRESIDENT:

This grant (the power to lay and collect taxes, etc.,) is general without limitation as to place. It consequently extends to all places over which the Government extends. (Loughborough *vs.* Blake, per Marshall, C. J., 5 Wheat., 323.)

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure. * * * It (the new acquisition) is acquired to become a State, and not to be held as a colony by Congress with absolute authority. (Dred Scott *vs.* Sandford, per Taney, C. J., 19 How., 393.)

This decision has never been reconsidered in the Supreme Court of the United States. (Justice Miller's Lectures, page 406.)

Manifestly the nationality of the inhabitants of territory acquired by conquest or cession becomes that of the Government under whose dominion they passed, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided. (Boyd *vs.* Nebraska, per Fuller, C. J., 143 U. S., 186.)

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. (Thompson *vs.* Utah, per Harlan, J., 170 U. S., 346; Callan *vs.* Wilson, 127 U. S., 551.)

I speak not of forcible annexation, for that can not be thought of. That, by our code of morality, would be criminal aggression. (President McKinley, messages December, 1897, and April 11, 1898.)

The United States disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [Cuba] except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people. (Joint resolution. CONGRESSIONAL RECORD, Fifty-fifth Congress, second session, volume 31, part 4, page 3393.)

In a telegram sent to the Department on June 23, I expressed the opinion that "these people [the Filipinos] are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races." Further intercourse with them has confirmed me in this opinion. (Admiral Dewey to Secretary of Navy, August 29, 1898; Senate Document No. 62, part 1, Fifty-fifth Congress, third session.)

That flag has been planted in two hemispheres, and there it remains, the symbol of liberty and law, of peace and progress. Who will withdraw from the people over whom it floats its protecting folds? Will the people of the South elect to haul it down? (President McKinley, address at Atlanta, Ga., December 16, 1898.)

The mission of the United States [to the Philippine Islands] is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. (President McKinley to the Secretary of War, December 21, 1898.)

Mr. President, the extracts which I have read are announcements of the Supreme Court of the United States, and include declarations from the President of the United States and from the distinguished naval commander whose victory at Manila has made him an historical character.

I do not intend to elaborately discuss the question of law heretofore debated. I do not believe that it will serve any useful purpose to enter into an attempted differentiation between the authority of the United States in its relation to foreign powers and its authority as regards domestic affairs. I dispute the contention which seeks to give jurisdiction in the one case and to deny it in the other, and which limits the operation of the Constitution as to the rights of Territories and new acquisitions to Congressional discretion, denying to those within such area "the equal protection" of our laws and reducing their constitutional rights to the insignificant and problematical protection of colonial dependencies.

It appears to me that when our Constitution was made, it was supposed that the United States would never extend its domain save over those who were not only within the equal protection of its laws, but who were competent to participate in the efforts of an aspiring people to conserve for themselves and humanity the benefits of representative civilization. Whatever may be the truth as to the issue of jurisdiction, I design to discuss this subject more largely from the standpoint of policy.

It is conceded by all that the latter proposition is open for debate. Those who are regardless of organic restraints so admit. I do not desire to detain the Senate with any elaboration regarding the opinions of our courts or the views of eminent lawyers with reference to the subject of the construction of the Constitution on expansion problems. It is certain that we can never agree as to that proposition. The sentiments of Senators of uncommon ability, the carefully expressed ideas of men of profound learning in this country and elsewhere, as found in the public prints, demonstrate the futility of any endeavor to procure accord upon this topic.

If we are considering the subject as necessitating the declaration of our sentiments and as establishing a record here which may be of use hereafter, that has already been done by Senators of eminence upon both sides of this important issue.

Mr. President, we are today confronted by a situation which all must admit does not agree in all respects, if it does not differ in principle with that which has heretofore been presented.

It will be conceded, I take it, that while we may have the authority to annex territory, as contended by the most advanced advocates of annexation, and to the ultimate extent for which they plead, yet notwithstanding all this, the propriety of the exercise of such power must depend upon circumstances; and the fact of the possession of the authority furnishes no reason for any assertion not warranted by right.

Hence, finally, speaking from the standpoint of policy, we must ask ourselves this question: Shall we bring the Philippine Islands within our confines? Shall we introduce them to this home of intelligence and manly effort? Shall we acquire these islands under the conditions now confronting us? Is it better for us that we should do so? This is the issue. I shall endeavor, Mr. President, to impress upon the Senate the fact that "charity begins at home;" that while we may owe much without, there never has been a time when the mission of this Republic, based upon solid principles, involved the necessity of embarking in the instantaneous civilization of foreign peoples or in converting into its own confines the seeds of dissolution. If we or the Filipinos must suffer, I vote for our own benefit.

If we have formed a nationality of which we are proud, a system concerning which we make no apology, a Republic which we claim to be peerless, it is our duty, solemnly and positively, to see that the organization which we have created remains pure. The companionship which we are authorized to seek in the accretions of national honor must be the association of those who are fitted to exercise the lofty prerogatives appertaining to self-rule — that condition which we have so promoted as to render competent governmental companionship essentially difficult. There is another consideration hardly less controlling, and when coupled with the question of individuality the subject becomes of paramount importance. I refer to the remoteness of those affected.

Mr. President, we know but little of the true inwardness of the Philippine Islands. No one seems to be thoroughly advised as to the exact character of all of the inhabitants of that territory. We are unable even to say how many islands there are within this attempted cession. We can not define the area so far as it is fit for cultivation, civilization, or for any other legitimate end. But in the midst of this ambiguity we at least know that the Philippines are tenanted by a very peculiar mass, a heterogeneous compound of inefficient oriental humanity. I care not, for the purposes of my argument, whether these islanders are fit for free government as you, Mr. President [Mr. FRYE in the chair], and as I understand it. If they are so fitted, they should be permitted to establish a free government; if they are not so fitted, they should not be brought into an alliance with us; we do not in that event want them. Those who are incompetent to control themselves should not be of us. We do not seek the irresponsible.

I have examined with some care the record which was made before the Peace Commission, of which you, Mr. President, were an honored and efficient member, and I fail there to find anything altering or affecting my view as regards the treaty.

In the first place, it is evident that the Philippine people suffered under the dominion of the parent country. I do not doubt that. It is clear that gross exactions in the way of taxation and illegitimate imposts were levied upon them; that personal indignities and cruelties were inflicted. I am ready to concede that the same record contains recitations of some abominable transactions on the part of the insurgents. I might refer to the statement of a witness before the Paris arbitration tribunal, who deposed as follows:

This witness said that a certain priest of bad character was sent to the province of Cavite. He described his treatment thus:

> And there the rebels caught him in this last rebellion, and, more to ridicule him than anything else, I think, they made him their bishop. They said, "Mind what you do. You can be our bishop and take charge of our clergy, but don't you attempt anything behind our backs." He thought he was quite safe, and he was found taking sketches and notes of their strongholds. He had already made arrangements with the monks for their delivery. They caught him and they said it was treachery — he had made negotiations with the Augustine monks in Manila — and after proper trial he was condemned to death. He was tied to a post, without a hat and without water, and died of sunstroke, fever, and hunger — and that was his end.

It is difficult to picture any barbarity more atrocious than this, no matter what may have been the offense of the person who was tortured, though he seems to have been considered by the insurgents fit to hold an important position. It is difficult to understand what the witness meant by a "proper trial."

These all constitute proofs of the existence of that condition of things which ever accompanies an internecine conflict wherein tyranny struggles to subvert those who seek emancipation and the amelioration of their sufferings. The oppression and cruelty of contending factions increase as the dispute endures, and finally there comes a time when the race is not for the attainment of virtue, but in aid of crime. The character of the Filipino is in controversy. As I have said, my argument does not depend upon an accurate exhibition of his real traits. The reason already given in this regard is sufficient. If he knows enough to govern himself, we should let him alone. If he does not know enough, we do not desire to associate with him.

We have in this record the testimony of Consul Wildman as to the character of Aguinaldo. In a letter, from which I will in a moment quote, he extols that chieftain. Later on, in Senate Document No. 62, part 1, present session, we find that he questions the sincerity of Aguinaldo and intimates most strongly that he has outgrown his usefulness. I quote from page 336 of the above-cited document:

> I have lived among the Malays of the Straits Settlements and have been an honored guest of the different sultanates. I have watched their system of government and have admired their intelligence and I rank them high among the semi-civilized nations of the earth. The natives of the Philippine Islands belong to the Malay race; and while there are very few pure Malays among their leaders, I think their stock has rather been improved than debased by admixture. I consider the forty or fifty Philippine leaders with whose fortunes I have been very closely connected both the superiors of the Malays and the Cubans. Aguinaldo, Agoncilla, and Sandico are all men who would all be leaders in their separate departments in any country, while among the wealthy Manila men who live in Hongkong and who are spending their money liberally for the overthrow of the Spaniards and the annexation to the United States, men like the Cortes family and the Basa family would hold their own among bankers and lawyers anywhere.

Again he says:

> There has been a systematic attempt to blacken the name of Aguinaldo and his cabinet on account of the questionable terms of their surrender to Spanish forces a year ago this month. It has been said that they sold their country for gold; but this has been conclusively disproved, not only by their own statements, but by the speech of the late Governor-General Rivera in the Spanish Senate June 11, 1898. He said that Aguinaldo undertook to submit if the Spanish Government would give a certain sum to the widows and orphans of the insurgents. He then admits that only a tenth part of this sum was ever

given to Aguinaldo and that the other promises made he did not find it expedient to keep.

Further on he remarks:

> The insurgents are fighting for freedom from the Spanish rule and rely upon the well known sense of justice that controls all the actions of our Government as to their future. (*Id.*, page 337.)

This consul, and also Mr. Williams, who afterwards incurred the displeasure of the State Department, and seemingly in response to criticisms made as to his conduct, questioned the attitude of Aguinaldo and his colleagues, appear to have been excessively anxious to retain their positions, and this may account for the want of lucidity in their correspondence, taken as a whole. Yet I must confess that I arise from a perusal of this record believing that there are a number of able men among the Filipinos, persons who are adequately educated to attend to the more complex affairs of life, but that the vast mass of the inhabitants are, and will for many years remain, in a condition far below that which every well-informed American believes to be essential to citizenship and even to presence within our borders. I do not mean by this that no local government can be established, but I do mean that no governmental institution on as high a plane as ours will be maintained for many years in that region.

But such government will never be an accomplished fact unless opportunity is given. Whatever may be asserted in enthusiastic moments, I do not hesitate to say that it is not the mission or place of the American people to assume responsibility for such a population or to educate, otherwise than by example, and certainly not under the influence of the sword, the protesting occupants of tropical climes. I deny our duty to civilize such an aggregation. Clearly these alien races who, as far as history has furnished evidence, have not been found adapted for the highest civilization, ought not to be introduced here, as they are not competent to participate intelligently and profitably in the affairs of this Government. They should be allowed to pursue their own course, that we may not suffer by their contamination or be diverted from those pursuits which are more profitable to us and to mankind, not only in a financial sense, but morally as well.

Mr. President, upon another occasion I had an opportunity to examine, and I attempted to explain, why it was and is that a remote nation or people of habits varying from ours in almost every direction can not be a valuable acquisition, and can not constitute a desirable addition to the American Republic.

We know that it is difficult to harmonize all of our interests at home. We know that from the Atlantic to the Pacific there are divergent and inconsistent demands requiring determination at the hands of Congress, and that it is nothing but the intelligent and universally prevailing patriotism of this land which enables us to come together and act as one for the common good. This indicates our capacity for self-rule, but suggests dangers arising from a want of homogeneity. These perils we should not increase.

Assume that we import an alien and novel people numbering 10,000,000. Whether they are to be citizens or are not to be such — dropping that branch of the inquiry — they are at least brought within the United States. We are responsible for them to the world, and they are to some extent supposed to be burdens to us. What advantage can they be to this Republic? Can they furnish us anything that will tend to make us more stable, more civilized, more enlightened? Clearly not. Do we offer them a Government of their choice? Do they petition us, asking that we receive them? Do they seek for themselves and their posterity the benefits of our civilization? No; they repudiate our attempt to govern them; they demand that they shall be permitted to follow their own way; they insist they should solve domestic and governmental issues for themselves, and that they ought to be allowed to at least experiment as to whether they are or are not competent to sustain a Government adapted to their wants. They even intimate that we are to join in international land-grabbing, and that the Spanish War was for conquest — not for humanity's sake.

Mr. President, ought we to grant the Filipino an opportunity? If we say that he is not fitted to govern himself, by what process of reasoning can we reach the conclusion that, therefore, and on that account, we ought to absorb him, especially when we announce in advance that we are not acquiring possessions for the purpose of domination or statehood?

When the Senator from Missouri [Mr. Vest] and other Senators ask whether these people are competent for admission into the family of States, a negative response is at once heard. It is intimated that perhaps they will be fitted "some day." It is averred that if we can hold them at all there is no limit capable of exact measurement, and that therefore we may retain them in our discretion — even forever. We may never determine, it is said, that they are of the elect — worthy of emancipation. Herein lurks the danger of any assumption of responsibility. We discover a controversy joined in by gentlemen, some of whom are supposed to be intimate with the Administration, as to the actual fact with reference to the Presidential policy.

Mr. President, it is patent to me that in the evolution of those affairs which surround this matter a clearly-defined policy has eventuated looking to permanent retention and colonial government. It is the intention and the object and the aim of the present Administration and those who are supporting this project to annex these islands for all time. Title is sought. The treaty speaks of relinquishment as to Cuba, but uses the word cession as regards the Philippines. Will Senators adopt the resolution offered by the Senator from Georgia [Mr. Bacon]? No. If there is no desire to lastingly hold this group, can there be any objection to the adoption of that resolution?

But what do we find outside of this? I have already referred to the remarks of the President of the United States delivered, not in his message only, for in his message he refers to forcible annexation as a crime and denounces it as an offense against public morality as defined by us, but on a public occasion he again referred to the Filipinos and spoke of the flag that had been planted in that hemisphere. He said:

> There it remains the symbol of liberty and law, of peace and progress. Who will withdraw from the people over whom it floats its protecting folds? Will the people of the South elect to haul it down?

And in the letter to the Secretary of War, to which I have also adverted, the President declared that our policy toward those islands is that of "benevolent assimilation." What is meant by "benevolent assimilation?" Who shall define that? The word "assimilation" implies absorption, taking in. True, the President guarantees us that he will not assimilate those people violently. There will no doubt be something of an anaesthetic character with reference to that assimilation.

Mr. CHANDLER. Mr. President, the other day, when this "benevolent assimilation" bugbear was presented in the Chamber, I looked at Webster's Unabridged Dictionary, and I found that "assimilation" does not mean absorption, whether benevolent or otherwise. Webster says "assimilation" is:

> (1) The act of assimilating or bringing to a resemblance, likeness, or identity.

The argument the Senator is making, and which the Senator from South Carolina [Mr. TILLMAN] has made, that "assimilation" means destruction, means gobbling up and destroying identity, is not a fair argument, I submit to the Senator.

Mr. WHITE. When the Senator from New Hampshire absorbs, say, a broiled live lobster, he assimilates it, or at least he ought to. [Laughter.]

Mr. CHANDLER. The trouble is that the Senator does not appreciate the different meanings that may be given to the same word. Undoubtedly the President thinks that we want to bring——

Mr. WHITE. Will the Senator from New Hampshire allow me to ask whether he speaks by authority of the President?

Mr. CHANDLER. Undoubtedly the President thinks as I do, if he is a wise man [laughter], and I think he is. Undoubtedly the President thinks that we ought to bring these people into a resemblance or a likeness to us, but not exactly to an identity; and I hope the Senator will not give too much stress, as the Senator from South Carolina did, to the use of the words "benevolent assimilation." They sound finely to me, and I am sorry the Senator from California does not like them.

Mr. WHITE. The appreciation of the Senator from New Hampshire, while intensely interesting and no doubt of advantage to himself, is not controlling as to me, and I trust not to many others.

The Senator from New Hampshire confines himself to a part of the definition, and therefore he should not criticise me if I refer to that portion which he omitted, of course not deliberately. Certainly not. If the Senator from New Hampshire speaks by authority of the President, and can assure us that the President defines this word as he does, the situation may be slightly improved; but I do not know that I will have great regard for the Presidential definition, although perhaps I will have more regard for the policy.

Mr. CHANDLER. If the Senator will allow me, I think the President had this kind of assimilation in mind that is given in the dictionary:

> The pleasing illusions * * * which by a bland assimilation incorporated into politics the sentiments which beautify and soften private society.

[Laughter.]

That is the kind of "benevolent assimilation" I mean, and the kind which I think the President means.

Mr. WHITE. Mr. President, I trust that the intention of the

President and of the Senator from New Hampshire is in each case to blandly assimilate and to incorporate into our politics the sentiments which will enable the Filipinos to beautify and soften private society. Perhaps the Senator from New Hampshire believes that the Filipinos will, after a century or so, come within the phraseology which he has employed. Possibly it will require the treatment, whatever it may be, which he advises to produce such a change of character. It will not come until after they have been fully absorbed.

Mr. CHANDLER. Mr. President, that may be, and perhaps the Senator construes the word "assimilation" to mean amalgamation. I can not be responsible, of course, for the definition which the Senator from California gives; but I do not think that "assimilation" means amalgamation, and I do not think "assimilation" means swallowing up and digesting and incorporating into the identity of the individual or body politic. I simply stand upon this definition, which says that "assimilation" may mean either "resemblance, likeness, or identity," and the President should have the benefit of the full scope of all these meanings.

Mr. WHITE. Mr. President, it would certainly take a very long time to bring a Mohammedan of Mindanao to resemble in any degree or to bring him to a likeness to the distinguished Senator from New Hampshire. [Laughter.] I do not think the President had anything of that kind in view. I trust not.

Whatever may be the definition of the Senator from New Hampshire, or of some one else, it is palpable from these latter-day expressions that it is the policy to permanently dominate the Filipinos, and, as just remarked, if it were otherwise, why do expansion Senators hesitate with reference to the resolution proposed by the Senator from Georgia?

Ah, they tell us, "Wait, wait! That resolution will pass in the sweet by and by — as soon as the treaty has become the supreme law of the land." But, Mr. President, notwithstanding our faith in the integrity of our friends of different opinions as to this issue, we know that they change their views, and we would rather have them tied up, strongly and irrevocably committed, before we permit ratification of the treaty. We fear that we may not get "unanimous consent" for the hearing and passage of this resolution after the treaty has been concluded.

For my own part, I am opposed to the entire design, but upon any theory whatever, upon any theory which anyone, outside of a very few Senators, is willing to father in this Chamber, it follows that it is our duty, if we have the slightest regard for our position before the world, to indicate in advance what we intend to do.

Now, Mr. President, let me ask any Senator on the other side of the proposition whether at the time the Senator from Colorado [Mr. TELLER] offered an amendment to the Cuban resolutions, which has already been read, in which it was said by this body and by Congress:

> That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people—

Was there any admission that we were waging a war of conquest? No one had the boldness to make such a declaration.

For what purpose did the United States embark in the war? It is well known here that the many difficulties which we now meet were anticipated by some of us, but no one supposed that we would ever attempt to absorb islands on the Asiatic coast or compel them into actual close communion with us permanently. Had an amendment to that resolution been offered providing that all possible acquisitions should be brought within its scope and its letter, there would have been no opposition.

Remembering that Admiral Dewey says, from personal contact with the Filipinos and the Cubans, that the former are better fitted for independent government than the latter, are we not honestly bound by the spirit of our declaration to give an independent government to not only the Cuban people, but likewise to the Filipinos? And we refuse to declare that the same rule which we applied to Cuba will be applied in the case under consideration.

Mr. MASON. Will the Senator yield to me?

The PRESIDING OFFICER [Mr. RAWLINS in the chair.] Will the Senator from California yield to the Senator from Illinois?

Mr. WHITE. Yes, sir.

Mr. MASON. I have heard so far the speeches of Senators on the other side upon this question, and the Senator may remember the speech made by the distinguished Senator from Minnesota, in which he disclaimed any intention of permanently governing these islands without their consent and by force. I think the Senator from Ohio practically made the same suggestion. I wish to ask the Senator whether he has ever had given to him on this floor by any of those Senators any reason why we should treat the inhabitants of the Philippine Islands differently from the treatment given to the Cubans?

Mr. WHITE. I will say to the Senator from Illinois that I have never known any one to attempt to give any such reason.

Mr. MASON. Have any of those Senators given to the Senate any reason why we should not be willing to say so now?

Mr. WHITE. I believe that upon that subject there is much mental reservation. [Laughter.]

Mr. President, while I repeat that I do not believe either or any of these races are really fitted for companionship with us, yet, under the peculiar circumstances of this situation, I am willing to apply to the Philippine Islands the same rule that we have already declared we design to enforce in Cuba. Whether we apply that rule or not depends upon our good faith, and it is to be presumed that we will be loyal to our pledges, although we know that we will have opposition of a mercenary character. There is no danger in such a course. The Filipinos solicit it; the world will be satisfied; all possible obligations will be fulfilled.

I affirm again that the design can not be to treat the Philippine Islands as we treat Cuba, or else Senators would not object to voting for a resolution of that purport.

Mr. President, is there anything so alluring in the Philippine Islands, even of a business character, that we should be willing to throw aside our traditions, to disregard the teachings of our consciences, and to set aside every declaration which statesmen of national repute have ever made? Is there anything, I repeat, alluring in a business way?

Permit me to say that I do not give undue weight to purely commercial considerations. When I believe that we can not morally or in accord with our duty incorporate the Philippines, the affair is at an end. But I appreciate that in some quarters a different conception prevails. Boards of trade and chambers of commerce in various localities look forward to and with glowing words portray the riches which they seem to think will drop into our laps. Thus was the siren voice raised in the case of Hawaii, and yet it is demonstrable today, as some of us said it would be demonstrated, that the local sugar growers alone made fortunes from annexation. Then we were told that numerous laborers would go to Hawaii and find a long-sought opportunity for the development of their interests, and yet we have ascertained from experience that these anticipations were not realized and that there is no opening for such immigration.

That acquisition was only valuable to the few and only dangerous, as I thought, in the way of a precedent. However this may be, that is history; and the only excuse for our action is that it was not of a character sufficiently important to make it vital. But here we travel thousands of miles farther, and instead of having 100,000 people to deal with, we have 8,000,000 or 10,000,000, more obviously incompetent and more difficult to control.

When you seek to acquire property, do you not look to the title and right of your grantor? Do you not ascertain what power he had, what jurisdiction he exercised, and what possession he enjoys? If he had nothing standing on the records, he must have had possession indicating his entry and justifying his pretensions. If we cause peace and order to prevail in the Philippines, it will be the result of conquest, not of Spain, but of those whom Spain never subdued.

There are half of these islands which have never been under the control of Spain. What must we do with them? If we ratify this treaty and pass laws under it, we have no alternative but to invade and subject them. We can not, as a great nation, stand aside and permit unchallenged rebellion. If we ratify the treaty, we must show the nations of the world that we have not only the technical right, but also the physical strength to enforce our mandates; and hence it follows irresistibly that we must send our arms abroad and bring the Mohammedans and others to submission.

What kind of an enterprise is this to be? What will it cost, not in money, but in life? When we commenced the Spanish War, we did not, I am persuaded, anticipate such a possibility. There would have been more hesitation had we done so. Will we be able, we who live and constitute the "land of the free and home of the brave," to justify ourselves to ourselves if we assume the responsibility of a war in the Tropics in such a cause?

Is this new possession untenanted and barren? Are the islands uninhabited? On pages 404 and 405 of the document already named will be found a statement by General Greene, an officer who seemed to be very well advised. He informs us that, taking the islands of Luzon, Panay, Cebu, Leyte, Bohol, and Negros, the average population per square mile is 91; that of the Island of Cebu is 210, and of the Island of Luzon 79.

He remarks:

> The density of population in these six islands is nearly 50 per cent. greater than in Illinois and Indiana (census of 1890), greater than in Spain, about one-half as great as in France, and one-third as great as in Japan and China.

Then he gives the exact figures. He also furnishes information regarding Mindanao, Samar, Mindoro, Romblon, and Masbate, where he finds a population per square mile of 11. The leading islands of the group, those which are accessible, have a population greater per square mile than Spain itself, and a population greater per square mile than the great States of Illinois and Indiana. What are you going to do with all those people? Must they be eliminated? When the process of benevolence and assimilation has been accomplished, then probably we will be homogeneous, and a common complexion will atone for the errors of the past.

Mr. President, what is to be gained by the contemplated policy? If mere trade is the object, there is no difficulty in providing for it with any government which may be established. But I fail to see from statistical examination anything to justify us in assuming that the profits attending annexation and depending upon it will nearly atone for the enormous expenditure and extravagant outlay which must prove essential. Furthermore, some years ago in the Congress of the United States there was a positive and aggressive agitation as to the Chinese question, arising from the protest of the people of our Pacific Coast. They came before Congress and urged restrictive legislation, and that legislation was enacted, and we excluded Chinese laborers from our shores. We kept them out, although they sought to come in occasional shiploads only. Here it is proposed to bring in an entire population, possessing to a large degree the same competitive character, containing millions and millions of people — no one can give the precise number. It is well enough to pretend that constitutional guaranties may be disregarded, and that our newly-annexed friends may be limited to a certain part of the United States. God forbid that we shall ever have a nation so divided against itself that we will not permit those who reside in one part to visit elsewhere. No such attempted rule, I trust, will ever find its place, notwithstanding the agitations of any moment, upon the statute books of the American Republic.

Mr. MASON. Is it the Senator's opinion that under the Constitution we can exercise sovereignty over one part of our country and prohibit the free intercourse of people from one to the other part?

Mr. WHITE. By no means. My understanding is exactly the other way. I do not believe we can do anything of the kind. Without entering into any extended discussion of the subject, I am very clear that every child born anywhere within the United States, whether you define it internationally or nationally or otherwise, is a citizen of the United States.

This must be true under the decision rendered by the Supreme Court in United States *vs.* Wong Kim Ark (169 U. S., 649).

There it was decided that a child born in the United States of Chinese parents who, at the time of his birth, are subjects of the Emperor of China, but have a domicile in the United States, and are not employed in any diplomatic or official capacity under the Emperor of China, becomes at the time of his birth a citizen of the United States by virtue of the first clause of the fourteenth amendment to the Constitution:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

It will be noted that the power granted to Congress by the Constitution is "to establish an uniform rule of naturalization." It is not easy to discover, even if we bring the Filipino within our fold, how we can have "an uniform rule of naturalization" without including the offspring of those who inhabit the islands from Mindanao to Luzon.

The Senator from Louisiana [Mr. CAFFERY] has contributed an able argument regarding the citizen status of the Filipinos in case of annexation.

As was well said by ex-Senator Edmunds:

> A Republic can have no subjects. Its people must be either citizens, slaves, or aliens.

True, we may prevent the inhabitants of the Philippines from voting for President or members of Congress and from otherwise availing themselves of some other benefits which they may theoretically enjoy by leaving the group in a Territorial condition. Nevertheless, this will not affect the rule announced by the Supreme Court of the United States in Boyd *vs.* Nebraska, already mentioned. It was there remarked:

> Mr. Justice Story, in his Commentaries on the Constitution, says: "Every citizen of a State is *ipso facto* a citizen of the United States," and this is the rule expressed by Mr. Rawle in his work on the Constitution. Mr. Justice Curtis, in Dred Scott *vs.* Sandford, 60 U. S., 19 How. 393, 576, expressed the opinion that under the Constitution of the United States "every free person born on the soil of a State, who is a citizen of that State by force of its constitution or laws, is also a citizen of the United States." And Mr. Justice Swayne, in Slaughterhouse Cases, 83 U. S., 16 Wall., 36, 126, declared that "a citizen of a State is *ipso facto* a citizen of the United States."

I do not believe that a man who is a citizen when in one part of the United States can be anything less, no matter where he goes.

Mr. MASON. May I ask the Senator one question, if I do not bother him?

Mr. WHITE. The Senator does not annoy me at all.

Mr. MASON. Does the Senator believe that under the Constitution and under the decisions of the Supreme Court it is possible for us to prohibit the sale of goods manufactured in any one part of the United States in any other part of the United States, or to levy a different import duty?

Mr. WHITE. No. If we follow the mandate of our Constitution, our tariff and revenue laws can not be otherwise than uniform. I do not understand that we have the power to make any exception. But in these days new ideas are prevalent with reference to the construction of the Constitution, and a well-known professor of the city of Chicago has lately advanced the view to which I referred this morning that there are two jurisdictions within the United States, and that the Constitution extends over all of our acquisitions in an international sense and over the States only in a domestic sense. It is needless for me, I trust, to say that I repudiate this interpretation.

As I understand it, it was the design and the intention of the framers of our organic law that the burdens resulting from revenue taxation, that the fiscal obligations which we must endure because of the necessity of maintaining the Government, must be distributed uniformly over the entire United States; and until there is a decision from a more authoritative tribunal than can be found in any convention or university, I must beg leave to stand to that view.

Mr. President, it is said that after all we owe an obligation of an ill-defined nature to somebody with reference to the Philippines which makes it necessary to absorb them. To whom do we owe such obligation? Do we owe it to the people there? If so, surely they have a right to waive it. If we are to assimilate them because of an obligation under which we rest to them, they must be allowed to discharge us. Annexation, absorption, or assimilation they do not desire.

We stand in a singular position before the world, and those of us who are opposed to the new dispensation and policy are blamed in some quarters. It is said we complicate matters by delay. But we delay nothing. We decline to subscribe to a policy which we think means dishonor. A part of our Army, on board ship, looks upon an island tenanted by people who have been struggling for years, whether they are white or black, poor, good or bad, to establish their own Government. We are armed, exchanging glaring glances. They hardly know what to do. It is said to us, " Ratify the treaty." Suppose we proceed to give to this Administration power outside of the mere military authority now being exercised; what, then, will be the result? If the natives resist, what will we do? Will we shoot them? If we do not need them, must we take them? Is it our obligation to be unjust or cruel?

We have the power to crush the Filipinos — at enormous expense, certainly, but we have the ability to do it. Will we do it? Can we afford to do it? Can we, who inaugurated a war for " humanity?" We, a Republic of peace, justified our action by saying that we contended for the liberation of our kind. Thus we threw the gage of battle upon this exalted platform and under that banner not to conquer territory, not to acquire possessions or dominion, but that man might be better and less subject.

If, having thus proceeded, we now destroy not merely the oppressor, but the oppressed, what position will we occupy? Will it be any answer in the high court of civilization, now or hereafter, to say " We had to do it because we obtained possession and it was necessary to control?" Will such a pretense ever be accepted as a sincere declaration? Such must be the result if this treaty is ratified.

But, Mr. President, do we owe any obligation to ourselves requiring the performance of such a disagreeable task. Is it necessary for us to burn property and kill men because of any self-imposed burden? No, sir; I think not. I conceive that our primary obligation is to preserve pure and unsullied this Government for the maintenance of the principles upon which it is supposed to rest.

I believe that so far as the world at large respecting humanity is concerned we will do more for our own age and for times that are yet to be if we so act as to demonstrate that we are worthy of the great heritage to which we have succeeded. We will, indeed, hold a proud position if we prove that we differ from other nations whose accumulated powers were used for evil, whose rulers, in the midst of the splendors of transitory triumph, assailed the liberties of their fellows. We owe no obligation of that kind. No such crime can we be asked to commit.

We hear much of our destiny, our *manifest* destiny. What " manifest destiny " can require any man or set of men or any nation to do that which should not be done? Are we destined for turpitude?

What is that manifest destiny? Is it to conquer the world? Evidently many so think. Not long ago it was frequently said upon this floor, "wherever the flag is raised there let it float forever." This proposition was so absurd and the statement was so ridiculed here and elsewhere that a distinguished Senator of expansion tendencies informed me recently that the expression was only a figure of speech.

Yet this very phrase has been alluded to as the maxim upon which expansionists rest. Wherever the American flag has been raised, whether rightly or wrongly, whether or not circumstances make it advisable for us to take it down, there it must continue to wave; that while under it we might conquer, yet we can not without impropriety relieve it from a position where it can not remain but as the symbol and evidence of oppression. That view, I believe, has been abandoned, and we are now told, as I have stated, that the former argument was nothing more than "a figure of speech." Upon many of these "figures" do the arguments of our adversaries rest.

Our trade, we are advised, requires us to go abroad, sword in hand, regardless of principle. Let us investigate. From the most selfish standpoint we ought to adhere to our present policy and leave foreign entanglements for our competitors. I do not care, for the sake of this argument, whether the commercial greatness of the United States is due to Republican so-called protection, or to Democratic ideas, or to the natural abilities and the manufacturing and commercial impulses of the race. To whatever it may be due, we enjoy commercial superiority, and under our present system we have acquired this enviable position. We have won it honestly, by patient, intelligent effort. We have obtained it as the result of the splendid standard of efficiency of our labor — the highest in the world — by compensating our toilers most liberally, by availing ourselves of improved methods, by utilizing our resources, and by invading the marts of the world and taking from other nations, in the peaceful struggles of the day, not by force, but by brain and brawn, those great advantages which the records of our Treasury Department show are ours.

Without running at all into elaborate figures, I will refer the Senate to the imports and exports of merchandise for the twelve months, in each case commencing in January and ending in December, for the years 1893, 1894, 1895, 1896, 1897, and 1898. But I will show in this connection here and now this fact only, that while in 1893 our exports exceeded our imports a little less than $100,000,000 — ninety-nine million dollars and odd — in 1894 they rose to $148,000,000, in 1895 dropped down to $23,000,000, in 1896 rose to $324,000,000, in 1897 to $357,000,000, and in 1898 we exported $621,000,000 more than we imported.

Twelve months ending December—	Imports.	Exports.	Excess of exports.
1893	$776,248,924	$876,148,781	$99,899,857
1894	676,312,941	825,102,248	148,789,307
1895	801,669,347	824,860,136	23,190,789
1896	681,579,556	1,005,837,241	324,257,685
1897	742,595,229	1,099,709,045	357,113,816
1898	633,664,634	1,254,925,169	621,260,535

Why is all this? Take our consular reports, Senators, and examine them, especially those issued during the last few years, and you will find that American enterprise and American ingenuity are compelling attention abroad. You will find evidences to this effect in the heart of enterprising Germany, in the center of enlightened England, in the midst of cultivated France. You encounter such manifestations everywhere, and day by day, hour by hour, as our people are better understood and their skill and the merits of their goods more accurately estimated, and as we become more careful regarding our consuls and the retention of those who know something about their business, our trade expands.

We appropriate by these civilized methods the profits heretofore enjoyed by other countries. We are drawing these vast benefits to our pockets. We are becoming great. No little area is ours. Our domain is mighty. This is not a nation to be held in the hollow of even the imperialistic hand. With a population less than one-fourth per square mile of that of the islands of the Philippine group which I first enumerated, with vast territory yet untouched, with boundless resources in your State, Mr. President [Mr. TURLEY in the chair], in the locality of every Senator, susceptible of utilization and destined for our benefit and for that of our posterity — with all of these great advantages, this glorious prospect, this magnificent possibility, at our own doors, under our immediate civilization — should we not hesitate before forming new alliances?

Witness our territorial greatness. Think what we may do when our population is several times its present number. Look at the victories of peace which may be ours, the honorable contests which we may win, the contributions to civilization which we may furnish! Are not these more worthy prizes than the spoils of war? Our schools and our churches rise in every township, in every spot where mankind throng. In the paths of mining, agriculture, and manufacture, in the domain of science and art, mark our success and observe the boundless field. When our future can thus be rationally anticipated, when we are actually about to possess the choicest blessings of the earth, our acquisitions won without blood and producing treasure — victories gained honestly, the rewards of intelligence, brought forth under the vivifying and electrifying stimulation of free government — when we have thus succeeded in promoting our Republic to its proud and, in a sense, imperial position, we are told that we must follow that delusive stranger, "our destiny," and must depart from our tried and incomparably successful policy — thus adopting that which is destructive to others in preference to that which makes us really happy.

Talk about the obligation we owe to the Philippines, to England, to France, to China, or to any nation or State or set of nations in the world. Do we not owe more to ourselves? Are not those who are near and dear to us—ought not our country to be more to us than any monetary triumph or the flitting shouts of the battlefield? Are we to relinquish the substantial and change our century-sanctified plans in a night because our Navy has been victorious, our Army militant in a contest far from equal? Because we fought a war wherein we lost in actual battle (eliminating subsequent sickness and wounded fatalities) 280 men, must we raise great armies and aver "no power can defeat us?" Mr. President, I know that the sword must sometimes be drawn and that many issues are thus solved, and solved well. But the lessons of time admonish us that all combats to the death are irrational. Civilization occasionally springs from the gory field, but I do not wish my nation to participate in any effort that will result in aught but the building up and strengthening of her claim to be the ideal Republic—living to spread virtue and freedom by the mild processes of truth and reason.

Who invites us to these new fields of conquest? The nations with whom we have been contending in this peaceful and soon-to-be-determined struggle; the nations whose manufacturing we are taking away; the nations whose resources are yielding to the policy of this emancipated Government? They seek to allure us, and they display before us the alleged choice blessings, as they call them, of "benevolent assimilation." India is selected as a typical case. In the dull and ambitionless abode of the Hindoo is found convincing proof of crushed manhood. England, the nation with whom we so lately disputed concerning the Monroe doctrine, is now our mentor and example. Why this sudden change? Is it rational? Mr. President, I want none of this. I know it is not always popular to seek to restrain the impetuous march of those who see or think they see glory ahead, but I believe it is the duty of men situated as we are to look upon this grave situation calmly and considerately.

I read an article in a newspaper recently to the effect that our Government has agreed to a treaty or compact with Spain, and that the United States can not afford to recede; that Senators who are not expansionists are not cast in patriotic mold. Such impudence does not frighten me from duty. Has it come to this, that a treaty, when signed by the Executive, is thereafter the supreme law of the land, or is it still well to obtain the concurrence of the Senate of the United States, and is there any less responsibility upon the Senate in connection with the treaty than there is upon the President?

May this body advise and consent when the Constitution so ordains? When this annexation experiment shall have been tried, if tried it must be, and when its issue for weal or woe has passed into a demonstration, will not this body share and must it not share equally with the Executive in whatever may have transpired? Was it not thought by the men who conceived the Constitution that the Senate of the United States might occasionally contribute an idea in addition to those of Executive discovery, however able, honest, and intelligent the Executive might be?

Mr. President, we are bound to examine this for ourselves. We can not rest upon any examination by anybody else. No one has a higher regard for the ability of the three members of this body who went abroad on this treaty mission than have I. This treaty is to a large extent their work, and we are in the presence, therefore, of men who understand more about it than we do. This, however, can have no influence upon us, except in so far as reasons may be furnished and arguments adduced controlling our judgment and discretion.

We must satisfy ourselves, I repeat, and that we will do so I have no reason to doubt. This is not assumption, it is the performance of a duty. Whatever may be the personal effect of blending executive and Senatorial functions in a treaty commissioner, the organic laws can not thus be altered.

Mr. President, will anyone tell me that a great standing army is advisable in a Republic? What is the inevitable and necessary consequence of the carrying out of this modern doctrine of expansion? It will not rest its influence upon the Philippines only. When we place our giant foot upon those islands, we will seek new scenes for aggression and conquest and will consider that it is our duty to encircle the earth.

The taste of unbridled power begets license. The greed of conquest succeeds but never indicates national virtue. What is the limit of the expansionist? Where does he stop? It is hinted that our more progressive legislators and citizens hope to participate in the partition of China. Whenever there is to be an "absorption," which is a modern expression for international robbery, the advocates of the new idea wish to be present. The old days, when, upon the Fourth of July and other festivities, the schoolboy talked about the outrages involved in the partition of Poland, will not come again. The custom of reading Washington's farewell address here will soon be abandoned if this fallacious doctrine obtains. The sarcastic irrelevancy of that great announcement will be apparent to the most unlettered and expansive mind.

We are to go further. We must have new and various acquisitions. I said upon another occasion that this would be the result of Hawaiian annexation — I was laughed at. "Designate another island that can be taken," I was asked. I answered that there would be no difficulty in finding such an island if the rapacity of power suggested the propriety of advancement in wrong. Circumstances have warranted and supported that suggestion to the letter. But not indulging in that which may be called an investment in the domain of prophecy, and speaking of affairs as we see them, what is the obligation already before us?

If we hold this group, we must maintain ourselves by the force of arms. We must enter and take possession and coerce to obedience; we must maintain a vast establishment thousands of miles from our western limits — on the other side of the earth — if we may figuratively speak of the globe thus. We must exercise such control that other nations will be protected. We will have the responsibility absolutely upon our shoulders. What will be the result? We are informed by General Wood that 50,000 troops are necessary now for Cuba, and still Cuba's population is small when the comparison is made, and we have promised that island freedom.

We have bills for the increase of our Navy, and I am in favor of a fine naval establishment — sufficient to guard our interests thoroughly, but not to engage in conquest. We are informed that these expenditures will aggregate millions, and yet we have only commenced. Oh, you can not in a moment lead a free people from the pathway of integrity in which from the teachings of their mothers' knee they learned to tread.

The allurements and deceptions from which nations and individuals alike suffer do not ordinarily mean the immediate avoidance of honor. The gradual moving away from the old road finally results in its abandonment. The way of truth is left untrodden. Upon it grow weeds and thistles. Its identity is now and then pointed out by some one who lingers on the scene — a lone worshiper yet at Liberty's shrine.

Mr. President, it is an army of a hundred thousand men, or 60,000 men now. It will be 120,000 in a short time. And why not? This vast host will be necessary. Nay, several times more. I do not speak of this enormous augmentation of our military as any act of oppression upon the part of those who recommend it, or upon the part of those who may vote the appropriations, but I speak of it, sir, as the inevitable and necessary consequence of the adoption of a policy which recognizes the arbitrament of the sword and the settlement of disputes not in peace, but in war. We are preparing for not merely a war, but for wars.

May it not be that our growth along the lines of conquest will enlist the opposition of other peoples; may it not be that other nations, seeing that we are attempting to interfere with them, will hereafter, however friendly they may be today, challenge our superiority? Whether we are confronted with such a situation or not, it is obvious that we must prepare for it, if the expansion notion obtains. The crisis must finally come. The general who understands his business and the admiral who watches the seas and scans the horizon for the foe know that they must ever be on the alert. So will this great military establishment arise to proceed to deeds of so-called glory, to keep down and in subjugation an inferior race, compelling young men, the flower of our youth, to seek malarial climates, to die in battle and in hospital, not for the cause of liberty, but for the cause of expansion. Then will come a time when the military will dominate the land and when the Republic will endure only in story and in song.

How long would it have been necessary to combat such a policy had it been advocated but a little time ago? Is it not singular that as matters proceed we become more and more acclimated, as it were, to this situation; we more readily yield up and sacrifice really precious things and join the majority in saying that after all the Constitution is of no great force, and that if, as a distinguished military man has lately said, it is not in accordance with our new demands and developments, we can get something else? And so we can; we may abandon the basic principles of this Government. We (I speak of the people) have the power to do so. The nations have so acted in many an age. Can we not, too, be foolish? I have considered it less important to discuss the actual words of the Constitution than to combat this destructive tendency.

I have thought more about constitutional principles than I have of any phrases, however sacred. The instrument can not save us if we determine to ignore it. I know that the honeyed words of power and the seductive influence of official promotion, advancement, and place sometimes lead even judicial tribunals astray. But I fear popular error more than this, for there can be no recall if the people join in the orgies which signalize the Republic's dissolution.

Mr. President, what does this armed display mean? We familiarize the people with the presence of war. We look at Article III of the amendments of the Constitution and we wonder why, after all, there was so much said about the quartering of troops. Of whom were the fathers afraid? They feared the armies, whose business was not of peace. They knew much of the arrogance of soldiery. They appreciated the impossibility of preserving liberty in the face of mighty standing armies. They knew that the honest civilian must yield, and they searched history in vain to learn that there was any compatibility between a standing army and free institutions.

And hence, Mr. President, if there is one thing that we have all learned, Democrats, Republicans, and Populists alike, it is that, save in a great public exigency, we ought not to have among us, and upon us, and of us, large bodies of armed men. And yet we are bringing about a condition which will necessitate this calamity. We are creating, by this annexation programme, the very condition which we concede and have always conceded to be eminently disastrous.

Mr. President, consider the state of a people who are pursuing peace, who are not familiar with war, but who are ready to instantly spring to arms to defend their rights and honor, and to preserve their nation from injustice — consider such a people abandoning the tenets of civilization and adopting the business of carnage. Are we ready to call this progress?

Mr. MASON. Mr. President, may I interrupt the Senator from California?

The PRESIDING OFFICER [Mr. RAWLINS in the chair.] Does the Senator from California yield to the Senator from Illinois?

Mr. WHITE. Certainly.

Mr. MASON. Before the Senator leaves the point he is making, I want to ask him if he knows of any case in history where territory has been acquired by force that they did not require the same or greater force to maintain it? Does it not mean a perpetual standing army?

Mr. WHITE. Mr. President, especially in the Tropics, there is no occasion for civilization or capacity as we understand it, and there control is always by the sword.

Mr. GEAR. Let me state to the Senator from Illinois that the acquisition of a part of California, Arizona, and New Mexico did not require any additional force.

Mr. MASON. It was settled by a treaty, and it was settled finally by a treaty, by an agreement by a people who had a right to settle it by treaty. It was not questioned——

Mr. TELLER. The people of New Mexico and California were not heard in the matter.

Mr. MASON. They did not stand with guns as the Filipino does now, saying, "Keep off the grass!"

Mr. TELLER. They did stand with guns when we went into California and Mexico. When the army went there, the Mexicans and Californians stood with guns.

Mr. MASON. I know, but the whole thing was finally adjusted by treaty.

Mr. TELLER. So is this being adjusted by treaty.

Mr. MASON. By a treaty with a people who have no more title than the devil had when he offered to give the Savior all the land in sight. He did not have a tax title to a square foot.

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. WHITE. The Senator from Colorado [Mr. TELLER] evidently has not exactly understood the line of argument I have been making. He was out of the Chamber during this explanation. I think he will concede perhaps that there is some difference in the character of population and the problems threatening us in the Philippine group and that which we encountered when we accepted California and annexed Arizona and the territory which he names under a treaty.

I have not made any statement with reference to my belief that the people of the island must necessarily be consulted. The region to which he refers was not densely populated. While there were Indians in considerable number, they were considered destined to removal or even obliteration. The Caucasian inhabitants were capable of "assimilation." They were contiguous. The tropical problem is altogether different. The inferior race in the Tropics does not diminish. The Caucasian there never substantially increases. The number, the location, and the character of the inhabitants in the Philippines are conclusive to me from the standpoint of policy, and thus I am considering the matter.

I have said that the Filipinos are not suited to our needs; that there is absolutely no excuse for treating them differently from the natives of Cuba. I have referred to the fact — and I trust the Senator from Colorado will note it, if he has not done so already — that Admiral Dewey declares that from his personal contact with both races — and he says he is familiar with both — the people of the Philippine Islands are better fitted for self government than the people of Cuba. I have further said, to make my position clear——

Mr. TELLER rose.

Mr. WHITE. If the Senator will excuse me a moment, I have said that if any annexation is to be had at all, it should be with a declaration similar to that contained in the Cuban resolution, which declaration, I affirmed, would not be made by the advocates of this treaty.

Mr. TELLER. Mr. President, will the Senator from California allow me?

The PRESIDENT *pro tempore.* Does the Senator from California yield to the Senator from Colorado?

Mr. WHITE. Certainly.

Mr. TELLER. I did not mean in the slightest degree to antagonize anything the Senator has said, for I have been out of the Chamber in the Committee on Appropriations, and I did not hear what he said; but the suggestion came to me from the Senator from Illinois that there was a difference between the conditions. I insist that there is practically no difference at all. We conquered from Mexico a section that we afterwards took by treaty. We conquered it against the will of the people. They were all in arms against us. There was not one per cent. of them that did not feel we were invaders and oppressors when we came there, and thought we would be.

Now, Mr. President, I agree with the Senator from California. I believe that in dealing with this people we ought to apply the principle of the fourth resolution (and that is what I have said) to all those people as far as possible, because I do not myself see how we can escape from it; and I have yet to learn that those who are in favor of the ratification of the treaty, with perhaps one or two exceptions, are in favor of doing anything else.

Mr. WHITE. Mr. President, of course I do not know, save from what I have heard stated on the floor, how Senators stand. It is not worth while to exchange opinions upon that topic, because it will be exceedingly easy to take up the resolution of the Senator from Georgia and vote upon it, and then we will have a test which will remove the matter from disputation.

Mr. MASON. That is what I was going to ask, with the Senator's permission, of the Senator from Colorado. I ask him if he can see any objection to making a declaration of that kind before the treaty is ratified?

Mr. TELLER. I can not see any advantage in making it. It strikes me that the suggestion of the Senator from Georgia [Mr. BACON] and the Senator from Illinois [Mr. MASON] with reference to the necessity of a declaration of this kind goes upon the theory that they are afraid to trust the American people. I stated the other day, and I want to repeat it, that I was in favor of the fourth resolution that we passed on the 20th of April last. It was not because I mistrusted the American people. I wanted it for its effect upon Europe. I wanted it as a guaranty to them of what we were declaring we were going to do.

Mr. MASON. Is there any less reason for giving the guaranty of good faith to European nations now than there was when we passed your resolution?

Mr. TELLER. The European nations have nothing to do with this question now. They are not interfering; they are entirely satisfied to let us do as we will.

Mr. MASON. What had they to do in the other case?

Mr. TELLER. They were threatening intervention, as the Senator knows.

Mr. MASON. Is it not true, as stated by everyone who has spoken on your side, that they are threatening intervention now?

Mr. TELLER. No; they are not.

Mr. MASON. The German ships are not there?

Mr. TELLER. Germany is not threatening intervention and will not intervene so long as we are in possession or indicate that we want to remain in possession. The conditions are entirely different.

Mr. MASON. If I may take one moment more, I want to be understood, and I do not want——

The PRESIDENT *pro tempore.* Senators should address the Chair and obtain permission to interrupt the Senator on the floor.

Mr. MASON. I beg pardon. I had the permission of the Senator from California.

The PRESIDENT *pro tempore.* Does the Senator from California yield to the Senator from Illinois?

Mr. WHITE. Certainly.

Mr. MASON. I wanted to understand, and I have no doubt the Senator can correct me if I am wrong, whether there is not a proposition pending before this body whereby we guarantee practically the taking of the possession perpetually of the Philippine Islands. Do we not guarantee and give to Spain for ten years, under certain provisions of certain pending legislation, the same differential or the same treatment in tariff, that we have with the Philippine Islands?

Is there not an agreement pending which looks to a different treatment of the people of the Philippine Islands from the treatment which we are giving to the people of Cuba? If that is true, what objection can there be to stating before the passage of the treaty that it is the intention of the Senate, which is the treaty-making power, to treat the people of the Philippine Islands the same as we do the Cubans; to give them independence and liberty the moment they are equipped and ready for it?

Mr. TELLER. May I reply to the Senator from Illinois for a moment?

Mr. WHITE. Certainly.

Mr. TELLER. I do not want to get into a discussion in the midst of the speech of the Senator from California. I merely want to say that I do not think it is worth while for us to legislate unless there is some necessity for it or to declare some necessity for it. I do not understand that there is any proposition which binds us to keep those islands a minute if we do not want them. The Senate can not bind Congress. The next day after the treaty is ratified we could declare to the world that we would not keep them an hour.

The treaty itself does provide, as the Senator says, that we shall keep an open door for Spain for ten years. We could keep that treaty with Spain if we turned the islands over to the Filipinos or if we turned them over to somebody else, by stipulating that they should carry out that idea. I think we should be in honor bound to do that. But here in the treaty there is this declaration:

> The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

That is a declaration that we do not propose by the ratification of the treaty to determine anything about it, and we can not determine it. The whole matter is left to Congress.

Mr. MASON. To the Congress of the United States or the congress of the Philippine Islands?

Mr. TELLER. To the Congress of the United States, as the Senator must be aware.

Mr. MASON. I thought I understood you, but I wanted to emphasize it.

Mr. TELLER. There is no Congress of the Philippine Islands, and there is no government there at all.

Mr. MASON. We understand quite differently.

[At this point the President *pro tempore* announced that the hour of 2 o'clock had arrived; and the unfinished business having been laid before the Senate, by unanimous consent, Mr. WHITE was allowed to proceed.]

Mr. WHITE. Mr. President, if the Senator from Colorado had heard the remarks that I made earlier in my speech, he would have noted that I was not particularly discussing the aspect of the case which seems to him of importance. But I will say that I attempted to explain that it often happens even when power is conceded, that, nevertheless, occasions arise when the exercise of jurisdiction is undesirable, and I have been seeking to maintain that owing to the peculiarities of the present situation it is not the part of statesmanship, it is not the part of good policy, to take the Philippine Islands.

I wish to say to the Senator from Colorado, if he will listen to me for a moment——

Mr. TELLER. I will.

Mr. WHITE. Because I consider this particular subject of a great deal of importance — that while I am opposed, for reasons which I have stated, to the entire scheme, while my objections are so absolutely basic that I have no idea that the proposition will ever receive my vote in any of its forms, nevertheless, if it be true, as contended by the Senator from Colorado, and no doubt believed by him, that we intend to treat the people of the Philippine Islands as we intend to treat the people of Cuba, let us make a record which hereafter will not be evidence against the insistence of that intent.

For instance, we have declared our intention regarding Cuba. It is proposed by the resolution offered by the Senator from Georgia that we shall declare our intention regarding the Philippines. If we do not do that, it will be considered that that proposition has been answered in the negative.

Then the treaty itself declares that while the title to Cuba is *relinquished,* that to the Philippines is *ceded.* I imagine that before accepting title to anything, before we consider it as a relinquishment or a cession, it is better to know our actual desires. When the cession is completed, the grant absolutely made, the power entirely exercised, and this resolution tabled or laid aside or forgotten for the time being, then the question must be, how will we get rid of our investment? It is better to deliberate *now* upon the disposition of this territory that future complications may be avoided. The cession is not yet complete. The Senate must act first.

I am unwilling to leave this resolution to be passed on hereafter, for I know it will be in the hands of some whom I am personally aware are antagonistic to anything save permanent retention. They will prevent its consideration at all, and I therefore insist that if it is in good faith intended to treat Cuba and the Philippines alike, let the record so show.

I do not see, either, that the mere reference in the ninth article of the pending treaty to the native inhabitants of the territories and the provision that Congress shall determine the citizen status interferes with my position. On the contrary, this recital presupposes that Congress will legislate with reference to these acquisitions as though the cession were enduring.

Mr. President, I have attempted briefly to give some of the reasons which appear to me controlling against the making of this treaty. I have not dwelt upon the threatened abandonment of the Monroe doctrine, nor have I shown, as I might, the difficulties of colonial government in the Tropics. I find no embarrassment in solving the situation, bad as it is, upon lines heretofore indicated. Spain and all other nations can be warned off and local rule can be established. I see no want of dignity upon the part of the United States in insisting that as far as the Philippine Islands are concerned they shall be treated as Cuba is treated. If it be said that we have our commissioners, I answer that we should act under our constitutional authority and to the best of our ability. That this does not imply discredit, but only implies regardfulness of duty.

These questions, I take it, must be determined from some other standpoint than that of individual preference. Those of us who believe that a new, untried, and dangerous policy is about to be inaugurated, can not find any answer in the assertion that we have appropriated other and more congenial territory, areas fitted for civilization and easy of access and free from a dangerous and permanently non-assimilative population. Never before did we seek a distant sea and an oriental land, tenanted by millions who are not of us and who deny our authority. I am not attracted by the colonial experiences of the world.

Spain herself believed in expansion. Imperialism brought her down.

Mr. President, in these days, when military power and splendor engross so much attention, at this time when all over the world are repeated stories of American valor, now when the youth, in gratification of his ambition, turns with aspiring eye to the tented field, when the soldier and the sailor rejoice in their great accomplishments, it is well for us to look back — to reflect. Have we been suddenly inspired? The fathers of the Republic had studied the history of mankind. They read from the standpoint of threatened liberty. They deliberated from the vantage ground of disinterested honesty. They fought, too, in vindication of their opinions. Their life terms were not less than those of this generation.

Greater men have not been here. These statesmen were well aware that other nations had been free, and that in the days of frugality and honesty they were happy and prosperous and soon became strong. They knew that republicanism in its purity must ever beget affluence and that nations as well as individuals are often seduced by the lavish offerings of ambition to attempt military despotism and to regard as ill-suited the safe teachings of less-flattering hours.

They were profoundly versed in the narrations which told of the rise and fall of peoples — the sacrifices of independence — the terrors of corruption and decay. Shall we not heed their admonitions? Are we too wise to regard them? Can we credit the promise that imperialism will benefit the cause of freedom? The world saw upon Helena's lonely rock the greatest soldier, perhaps, of all history. When his life's race had nearly run, he who, too, had believed himself a man of destiny, gazing upon the glistening sea which guarded his restless spirit, said, almost with his dying breath, that the world would never know what he had in store for man.

In the seven-hilled city more than once the tyrant with bloody sword uplifted claimed the blessings of posterity. The glorious court of Fontainebleau was refulgent with a brightness which indicated the effort of power to conceal a condition which eventuated in a culmination which threatened the thrones of the Old World.

Mr. President, the United States will never be too prosperous or strong to adhere to constitutional restraints and to work out its mission with the aid of intelligent and honest men. It is in the hope that we may aid to preserve forever stainless in its purity and unconquerable in its integrity the Republic of our fathers that I register here my protest against what I conceive to be a disastrous innovation.

AN INCREASE OF THE STANDING ARMY

SPEECH DELIVERED

IN THE SENATE OF THE UNITED STATES.

February 27, 1899.

The Senate having under consideration a bill (H. R. 11022), for the reorganization of the Army of the United States, and for other purposes—

Mr. WHITE said:

Mr. PRESIDENT: It is needless to say that the subject now before the Senate is most interesting. It is disagreeably interesting. Taking the situation in the Philippine Islands, which has been so accurately described by the Senator from Missouri [Mr. VEST], we find a people numbering from 7,000,000 to 10,000,000, who desire a government of their own choice. They wish to conduct affairs as they think the situation ought to be conducted. We deny them that right. That they shall have a government of their choice is antagonistic to our present view. We desire them to have a government of our choice.

True, they are some 7000 miles from us; true, they are exceedingly numerous; true, we engage in this effort for humanity's sake and that men may live in happiness and carry out their views in accordance with the dictates of their consciences. But the situation has changed. The dove of peace hovers over the land, and the ratification of the Spanish treaty signalizes the termination of a war; and yet today in the Philippines the guns of those whom we have "rescued," to quote a Presidential expression, are turned against the redeemed, and we have turned our weapons against our alleged friends.

The President of the United States sees in the action of the Filipinos a very disagreeable condition. So do we all; but we define it, perhaps, differently. We have "rescued" them, says the Chief Magistrate, and they are ungrateful. From what have they been rescued? From Spanish domination; they have been saved from the yoke of Spain; now they are to pass, *sub "jugum,"* under another master. Is it at all remarkable that those people, who have been taught to believe that this great Republic typifies independence and manhood and advancement, expect us to be honest? Is it peculiar that they should today resent our interference?

Mr. President, the honesty of Senators and legislators generally is challenged because they see fit in this place of responsibility to deny the justice of American action.

I will never forget a statement made in the early days of this Republic by Fisher Ames, when he said that he knew of no spectacle more sublime than that of a powerful nation kneeling before the altar of justice and sacrificing there alike her passion and her pride.

No one, I think, who is rational, and surely we claim to come within that category, denies this Republic to solve this question *vi et* *armis*. No one, I suppose, doubts that this great nation may summon into action the intelligence and power which she commands and stamp forever from life every person who treads the soil of the Philippine Isles. Hence, it can not be a question of national degradation; it can not be a matter of subserviency to any demand of those people, if we deal with them differently and at variance with the action which we have already disclosed. Our power precludes controversy.

Mr. President, I concur that whenever a struggle takes place where the people of this Republic must encounter antagonism, there is but one issue, and that is to make honorable contention, powerful and conclusive. But I think that there is a responsibility upon the members of the Congress of the United States to tell the truth. I believe this to be paramount. I see in this contention, sir, nothing that can add to our glory. I look at her achievements. They have been on the lines of peace.

I note at this moment a great effort to stimulate the American mind and to arouse us and our children and to transmit tradition of arms and military glory. When I hesitate but a moment over the bloody leaves of history, I am compelled to appreciate that if we pass into the lines and follow the examples of other nations, we will, after all, move in that circle of history which seems to have been an unfortunate heritage of humanity.

Look at our own people. When we formed this great Republic we thought we were constructing broad and deep the foundations of nationality more solid than the granite of the ages. Upon that massive foundation let the governmental edifice rest. We see our great ships encountering the foe in every clime — triumphant always. We invoke our intelligence and our greatness, and we triumph upon every sea. We have taken the navies of Spain and have subdued them to our dictation. We have eradicated these armaments from the surface of the ocean.

We have won wherever a contention of arms has occurred. And what is the result? Pause a moment and reflect upon what we said in this Chamber some months ago. We spoke of a war for humanity. We denied that we were engaged in a struggle of battle for the mere purpose of military triumph or for that splendor which comes from death, destruction, and woe.

The war has passed. We enacted in the Senate a resolution drawn by the Senator from Colorado [Mr. TELLER] who sits here now, wherein we pledged ourselves to give to that people a government of their own choice. No human being has ever been able to answer the question as to why we have not done the same in the Philippine Islands. True, it is said that the difficulty is that there has been resentment there.

But why has there been resentment, Mr. President? Because we have failed to define a policy. Here is the President of the United States, for whom personally I have, in common, I believe, with all American citizens, the most earnest respect. He states to us that he is not prepared today to say what policy ought to be adopted toward the Philippine Islands. But, Mr. President, if there is anything in the history of the American people, if there is any faith in those glowing words which sparkle through the Declaration of Independence, and which from the day when they were uttered have sent a thrill among all the peoples who aspire to liberty, it is that there should be independent thought and freedom from interference.

Are we here to rest our aspiration upon the silly pretext that the right of international alienation existed in Spain and that therefore we are empowered to deny to a people heretofore enslaved that free government for which men have lived and died and for which we have often contended in every arena from shore to shore? In no political contest has there ever been a dissenting vote upon that proposition.

See the present situation. It is a gloomy specter to me. I can not contemplate it with anything less than shame. I cordially agree with the Senator from Missouri [Mr. VEST,] who said that he would not give the life of one American boy who had struggled in the Filipino group for the entire affair. Nor would I. I heartily accentuate the expression to which I have adverted.

We have wandered from home; we have gone across the world, almost to the end of it, if I may use that expression, and have attempted to subjugate and to bring in harmony with us and to assimilate a people who care not for us. What do they aver today? Their leaders declare, and have declared within the last week, that they preferred the domination of Spain to that of this country.

Oh, think of it! We have engaged in a war. We have sacrificed not many, but choice specimens, of our people, the nobility of our ranks. I do not speak in titled phrase, but I talk of the consciences and manhood of those who have fallen, and for what? Will any man tell me in this body today that he sees anything which evidences an upward tendency upon the part of the American people in the conflict now progressing in the Philippine Islands? Will he tell me that the toiling people who have suffered, who have been placed upon the block, who have been subjected to diseases and death from the tyrant's hands, will profit by our intervention under procedure such as that which we are adopting?

Mr. President, I have a more drastic view of the situation and am more positive perhaps about it than any Senators in this body, save perhaps four or five. I would, if I had the power to do it, appoint three or four men of conceded ability and whom I thought to be possessed of intelligence. I would send them to Cuba and to the Philippine Islands, and I would formulate for those peoples a government, and commission them upon the ways of freedom in accordance with their necessities and their needs.

It is arrant hypocrisy to say that you do not know what is best for them. Unless the whole history of the American people has been a living lie, we know that freedom is the heritage of man. And there may be a difference in this clime and that as to the method of the exercise of liberty; there may be a question as to whether this form of government or that statute or this law is better for this man or for that; but the sensible American, deeply schooled in the walks of independence, knows what is best, and can do it.

Look at Cuba. Where is the verification of your promise? I dislike to say it, but I feel it my duty to declare that I do not believe a great many people who are in power in this country intend to verify that solemn assurance. It is my belief that there will be contention and trouble.

I concur with the distinguished Senator from New Jersey [Mr.

SEWELL] in the statement that there will be war in Cuba, and that the guns of this Republic which were directed against Spain will be directed against the people of that island. How vain and visionary are the theories of men when behind it all is the grim cause of lucre!

Why shall we have twenty, thirty, forty, or fifty thousand troops in Cuba? Gomez entered the city of Havana in triumphal acclaim; the crowd signalized his presence; but he has no connection with the government of that island.

Why do you throng Cuba with your troops? Why do you fill that island with armed men? Against whom are you contending? The effete Spanish monarchy has been ejected from the island; her vessels have been sunk in the sea. Absolutely deprived of potentiality, she views her power fallen to a state which she can not to any extent remedy, alter, or avoid. Why, then, shall the soldiers of this free Republic, this Republic that promised freedom to the people of Cuba — why shall they be there with arms, with cannon and rifles, and Maxim and Gatling guns?

What does it mean, Mr. President? There is no solution of it save upon the theory that there are some people who do not intend to carry out the pledges which were registered here, and which will live when every man in this body shall have perished and been forgotten.

There is more than manhood involved in this. There is the promise of this great Republic; there is the pledge of this people, who constitute the anchor, if there is any anchor, of freedom for all time to come. Shall we perish and be forgotten? Is our existence evanescent? Are we to leave this world and to confer upon posterity but little to evidence the fact that we ever existed? Said the poet:

> Happy Palmyra, in thy desert domes,
>   Where only date trees sigh and serpents hiss,
> And thou whose pillars are the silent homes
>   Of the stork's brood — superb Persepolis.

Standing upon the edge of that great river of Syria is today nothing save desolation.

Take the story of mankind from the beginning. Are power and wealth and strength, mighty armies, and the traditions of greatness sufficient to perpetuate nationality? We know they are not. The empire that sprang from Tiber's bank faded before the barbarians of the north; and when Marius sat upon the ruins of Carthage he had something before him which has long since been hurled into oblivion.

Who considers the story of mankind and does not discover, Mr. President, that even this Republic may reverse herself? I sigh not for the individual, but I look to the future. For myself, I will soon pass away; but I think of my children and my children's children, and of the aspirations of my earliest boyhood, that this nation might stand before the world pre-eminent, spreading the beatific vision of freedom all over the world. Was that a chimera, an idle dream, a passing shadow, or was it an entity — something that really existed?

Let us pause a moment and reflect. It will not do for us to speak about the outrageous conduct of some barbarian in a tropical clime. What care I for him? He is a cipher in the plot of life; he contributes nothing to civilization; he amounts to less than nothing in the great cause to which you and I, sir, and all of us, are conscientiously committed.

I have felt from the beginning of this desperate alternative that this nation was upon the verge of ruin. If she were alone in her experience I might doubt it, but when I think of all that has happened in the history of mankind and of how many able and powerful men have existed, and how they have sought to raise up and secure the blessings of human emancipation, I have questioned whether we are stronger than they. When Socrates drank the fatal hemlock and saw fast approaching the end of his vitality, he uttered sentiments which must find their indorsement in every heart.

When we witness the progress which mankind has made, we can not question that peace should be our aspiration. I believe you, sir [the Vice-President in the chair], were at the great exhibition in Chicago. Looking at those beautiful buildings, pure and glorious as they were, the electric display illuminating them, you were almost translated into another age, and you were unable, perhaps, to appreciate that you even lived in your century; you commented upon the magnificent efforts of those who had called these structures into existence.

Did you go into the great repositories of national wealth and see all the evidences of peace that were summoned to that great display? Did you look at the triumphs of genius, the great and lasting triumphs that contribute to the happiness of man and make him better and stronger and truer and more able to work out his destiny? Were they not all there? Are they not better than the clash of arms? Are they not better than the contention which makes the widowed mother water with tears the grave of her boy?

Are they not preferable to that fierce contention which leads to mastery not founded upon intellect, not based upon truth, but based upon brute force? Was there anything in the wager of battle that commended itself to the lawyer or the jurist? An accident, a chance; and yet in this generation we are summoning to our shrine and making our monetary god him who in days of crime and wrong, many an age ago, was worshiped by the savages of the earth.

Mr. President, we claim to be a Christian people; we claim that we are anxious that art and science and literature and truth shall prevail. Are we in earnest? Look in this great capital city, which bears the name of the founder of this Republic, of him who taught us our most glorious lesson, and whose precepts we daily disregard, and see that great, pure shaft rising against the sky, pointing upward and upward to higher things. Peaceful and beautiful, it is admired of the world, the typification of what we ought to be.

Look at your Library, that wonder of this capital, and do you not see there the victories of peace, of magnanimity, of greatness? Shall we discard them? Are we to enter upon the domain of conquest against those who are not of us; who are not worthy of us; who are incapable of understanding our institutions? Had we not better stand with our Republic and pause within this great domain and transmit unsullied to those who are to come after us the priceless heritage which we have received?

Mr. President, we claim, as I have said, to be a Christian people. Do we not know the example of Him who toiled to Calvary's Hill? Though He might have summoned to His side the countless legions of His Father, He perished as to His manhood's vitality that He might give us a lesson of peace and love.

I am opposed to this bill. I see no necessity for it. I love my country with as supernal devotion as any human being can love; but I wish to see her militant in the lines to which I have referred. I look with no satisfaction upon the gory field, the blood-stained hearth, the orphan, the dying patriot, the ravished home.

War may come, sir, but it must be for freedom. War may come, but it will be to defend the liberties of this people, if it ever has my concurrence; and I will never cast my vote in favor of any conflict that will have any other effect.

SPEECH

DELIVERED AT METROPOLITAN TEMPLE, SAN FRANCISCO, CALIFORNIA,

AUGUST 29, 1896.

Note: This speech, though reported stenographically for that purpose, was never published, and now makes its first appearance *in toto*.

MR. CHAIRMAN, LADIES AND GENTLEMEN: The issues which the people of this country are called upon to solve are of momentous consequence. In no day within my recollection has there been manifested such a condition as displays itself today. Parties to some extent seem to be disrupted. Men who have trained with this political family or that appear to doubt where their proper affiliation belongs. But to me there seems in the midst of all this divergent sentiment to be no question as to where the duty of the patriot summons him to action. (Applause.)

When I stand here tonight, after talking to many of my Republican friends, and after knowing as I do, from the perusal of public prints and otherwise, the sentiments of those with whom I have been in the habit of associating, Democrats and Republicans alike, I wonder at the lines which I see drawn and at the sentiments which I find expressed as the views of some of those whom I have heretofore supposed had real convictions—convictions upon which they were willing to stand. I look at the Republican party of California, and I pause momentarily in reflection as to what is meant by the Republican party of California. I had supposed that that organization predicated its claim to vitality upon its achievements, upon its actions, upon those events in its history which had won for it some claim to public recognition. I look at that organization two years ago—a little over two years ago. I find it meeting here in solemn convention in the State of California, its delegates lawfully elected throughout the entire commonwealth, and I find it resolved in unequivocal phrase in favor of the free and unlimited coinage of silver. (Applause.)

I look upon a more recent date, one chronicled by ink which is not yet dry, and I find a similar declaration in the convention of that organization which sent to St. Louis its lawfully elected delegates, who there were to record with fealty and honor its unhestitating edict, and I find that that convention also declared in favor of the free and unlimited coinage of silver at the ratio of 16 to 1. I see those delegates of that party so long dominant in this great nation go to the city of St. Louis. I witness nearly all of them—all except two, I think—voting for the free coinage of silver at 16 to 1, and following in that contest the leadership of that brilliant, loyal American, Henry M. Teller of Colorado. (Applause.) I notice the edict of that convention adverse to their vote, the edict of that convention absolutely overruling the decision of the California Republican Convention. I see those same men who went to St. Louis with credentials from this State calling upon them to vote for 16 to 1, come back to the State of California.

They went to St. Louis screaming for free silver, and they came back to California screaming for the single gold standard. (Laughter and applause.)

They left this State with credentials from California dictating the line of conduct which they should pursue. They came back here repudiating the platform of their party, and standing in antagonism to the Republican sentiments of this State.

I look at the great journalistic galaxy of California. I look at the Bulletin and the Call, that have preached from time immemorial the free and unlimited coinage of silver. I look at the Chronicle, which is edited by one of the most brilliant silver men in all of this Republic, a gentleman whom I shall venture to quote tonight, the editor-in-chief, Mr. Young, who has taught me silver sentiments for many years, and whose views personally I respect, because I consider him an honorable silver man. (Applause, mixed with hisses.)

I know personally that he would not change his views for anybody. He has copyrighted in an edition of the Chronicle in May, 1895, one of the most splendid articles on free silver that has ever been written in America, and if it had not been copyrighted by Mr. Young I would publish it at my own expense. (Laughter.)

I do not wish to disparage that gentleman, but I mention this to show that there is beyond this great struggle a power which nothing but the great and strong sentiment of the American people is potential enough to overcome. It is to that sentiment alone that I appeal; it is to that manhood which cannot be intimidated by threats or by money that the Democratic party today unhesitatingly and confidently appeals.

What is the issue? Mr. McKinley has sent his celebrated message to the American people. He devotes a considerable part of it to the consideration of the fallacies of free and unlimited coinage of silver. He admits, as do those who framed his platform, that it is not well that we should have gold monometallism, but he says that there is a remedy paramount and beyond all this; that the great remedy for which the American people have been panting and sighing, of which they have dreamed, and when in hours of woe they have appealed to their Creator, have mingled it in their prayers—and that is, that we may have more taxes. (Laughter.)

The great remedy which he suggests to make up for its present depreciation is "more taxes." The very thing, he says, for which the workingman has panted, for which he has longed, for which his wife and his babies have entreated him is "more taxes." He says, "How can we support our Government without sufficient revenue?" That is true enough. But, fellow citizens, let me ask this distinguished Republican and the Republican party, how is it possible for us to pay taxes unless we have something to pay taxes with? (Applause.)

Is there anything novel about this matter of free coinage of silver? Some of our friends who call themselves Democrats—a few of them, not many, who hold office, and a far less number who do not hold office—tell us that it would be a terrible thing to declare in favor of the free coinage of silver, and they occasionally, when the audience is few, as the audiences usually are when they are there, call upon the shades of Jackson and of Jefferson to testify against our claim, supposing and hoping that no one will ever investigate the facts, and that no one will disabuse his own mind of the utter fallacy and absurdity of the contention thus made.

Why, ladies and gentlemen, if I am to speak to Democrats, can I refer to the Constitution? If I am to speak to Americans, may I mention that instrument as being at least to some extent worthy of consideration? I am aware that my friend Mr. Vanderbilt said something about the "public be" — I don't remember the other word—and I know that a great many have made similar references to that provision of the Constitution which says, "No State shall make anything but gold and silver coin a tender in payment of debts;" and another section: "Congress has power to coin money, regulate the value thereof, and of foreign coin."

Of course, I am aware that this limitation upon State power is no limitation upon Federal prerogative. But I am also aware that when the fathers of this Republic declared that no State should declare anything legal tender except silver and gold, they gave no warrant to our modern Democrats for the single gold standard. (Applause.)

Mr. Webster, if I may be permitted at this time to quote his utterances without the danger of being charged with anarchistic leanings [laughter], said, in 1836: "I am clearly of the opinion that gold and silver, at rates fixed by Congress, constitute the legal standard of value in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this standard." (Applause.)

Ladies and gentlemen, from March 4, 1801, to March 4, 1861, the Democratic party was generally dominant in this country, and during that period we had the unlimited coinage of gold and silver, some of the time at 15 to 1, and at another part of the time at 16 to 1. The Forty-fourth Congress, which was a Democratic Congress, the first after the close of the war, showed 110 Democrats in favor of free coinage and sixteen against it. Afterwards 123 Democrats passed a free coinage bill in the face of only seventeen adverse votes. In the Forty-fifth Congress Bland's free coinage bill passed by a vote of ninety-seven Democrats in the affirmative—including Mr. Carlisle [applause]—with only ten in the negative. This measure was changed in the Senate, and became what is known as the Bland-Allison Act.

Afterwards, in 1878, Senator Matthews introduced a certain resolution in Congress. Here let me pause for a moment to explain the situation. The Bland Act made silver a legal tender, and thus far it was all that could be asked. But it limited the functions and powers of silver, because it restricted the extent of its coinage. And the contention of the Democratic party is, that never can there be a fair test between gold and silver until each is given the same chance before the law. (Applause.) As well, fellow citizens, might you attempt to take two men of equal strength and equal ability in that particular direction and engage them in a foot race, tying the foot of one of them, but leaving the other free, and send them into contention, and then expect that both would come out equal at the end, as you now presume that silver shall stand equal with gold when you have hampered it by the fetters of adverse legislation. (Great applause.)

Again, and what I am now saying is directed to the Matthews resolution: In 1878 there were some people who thought it would be well to limit the debt-paying power of our coin, its redemption capacity, to gold alone. There were then outstanding a large number of greenbacks, now estimated at about $346,000,000. It was attempted in some quarters, at the dictation of bondholding syndicates of London, to restrict the power of redemption to gold alone. Senator Matthews of Ohio, who was afterwards a Justice of the Supreme Court of the United States, one of the ablest men who has ever adorned the Republican records of this nation, and to whose undying credit must it be written that at that epoch he refused to bend the hinges of his knee to this craven influence—introduced, and there was passed in the Senate by more than two-thirds of that body, and in the House by a majority largely greater, a resolution containing, among other things, the following declaration: "That all bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver, and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not any violation of the public faith, nor is derogation of the rights of the public creditor." (Applause.)

Who voted for that resolution, fellow citizens? The assembled wisdom of Democracy and Republicanism. The men who had been called to the public service from one end of this great commonwealth to the other, from one end of this great Republic to the other, voted in favor of that resolution, and by the immense majority to which I have already adverted. And yet today you find the modern apostles of Wall and Lombard streets standing upon the public rostrum and shedding tears of sorrow because of the novelty of the doctrines of the Democracy of today. (Applause.)

Fellow citizens, it is needless for me to refer to subsequent votes in Congress, all in the same direction. As far as platforms are concerned, in 1880 there was a declaration in favor of honest money in the Democratic platform. But what kind of honest money? Not money consisting of gold, but—and I quote from the platform now which I have here before me—"consisting of gold and silver, and paper convertible into coin on demand." In other words, the Democratic party in 1880 declared in favor of this kind of honest money: coin consisting of silver and gold, and paper convertible into that coin. No fiat money, but coin, the coin of the Constitution, silver and gold, was there defined to be honest money.

Today we hear of honest money. We see some old fellow tottering along under the weight of aggregated profits. He comes to us and says, "Do not make silver coin a legal tender. We people who have been lending money have suffered from that thing long enough. We do not want these extortionate and horrible debtors to pay us in this kind of money. We want honest money—we want gold money." What is his definition of "honest" money? He means by "honest" money the money which is dearest, the money which is the hardest to get, the money for which the most human labor must be expended, and in payment of which tears must flow and the maximum of sorrow pass from the panting human heart. Those are his ideas of honest money.

If there were taken from the tiaras of the crowned heads of this earth, from some Indian mogul whom English cupidity has permitted yet to retain the emblems of his lost power; if there were taken from the crown of the Queen of England, Empress of India, or from the tiara of the Czarina of Russia, from Germany's Emperor's crown, the choicest jewels; and if they were to put those millions of dollars or tens of millions of dollars' worth of diamonds; if they were to take that gorgeous array of rubies dazzling the world today, and precious stones, and denominate them money, and the world was to call that money, our friends would say "That is the best money." (Applause).

Honest money, according to their definition, is money that is hardest to get. Is it the best money for you and for me? We have a good deal of trouble as it is to get enough to pass along the highway of life with and upon which to subsist. Shall we restrict and restrict and restrict? If we do we will make the money better and better and better, and we will see less and less and less of it.

Assume, my friends, that those anticipations, which our opponents are wont to call roseate, of the advocates of the free coinage of silver are indeed unfounded. What great harm will be done? Will the world go to pieces? If we pass a law providing for the free and unlimited coinage of silver, will our Republican friends who for four years have uniformly resolved in favor of the free and unlimited coinage of silver, die in a spasm of woe? (Laughter.) Will it not be possible for us, if we have made a mistake, to change our plan? Shall our monetary system be paralyzed, our banking circulation stopped, the world's progress at once absolutely annihilated, restricted—nay, more than restricted, finally cease—if we have the free coinage of silver at 16 to 1? We would think so if we read the resolutions of the California bankers. (Laughter.)

Fellow citizens, the bankers are our friends. When we need anything we interview them. But we seldom get something for nothing. When we are absolutely "broke" and advertised as such, we do not appeal to them because they are philanthropists. They do their share of philanthropic work, no doubt, as all of us do. They are no better, and probably no worse, than any of us. We have not been subjected—I was about to say, but I would withdraw the expression if I had made it, that we have not been tempted—to what they have. Our banking friends have met and they have all resolved that silver is wrong. Fellow citizens, whenever you get any class of people, from the corner grocery to the members of the United States Senate, all to resolve that the other man is wrong, look out; there is a combination afoot. (Laughter and applause.)

In connection with our financial legislation, they would lead us to think that the remonetization of silver is fraught with disaster to the American people. I have before me a quotation from my friend, Senator Sherman, and I will read it, although in fairness to him I want to state that he told me some time ago that the mere fact that he had made inconsistent utterances he believed was the highest tribute to his statesmanship. Under these circumstances it is of course a little difficult to tell what force to attach to his statement.

Senator Sherman said on July 11, 1876, in the Senate: "The enormous effect of the law in Germany, and as a consequence the partial demonetization of silver coins, I suppose, is felt by every man, woman and child who buys or sells anything. A struggle for the possession of gold at once arose between the great nations, because anybody could see that if $3,500,000,000 of silver coin were demonetized and $3,500,000,000 of gold coin made the sole standard, it would enormously add to the value of gold, and the Bank of France, the Bank of England and the Imperial Bank of Germany at once commenced grasping for gold in whatever form. Therefore, what we have observed recently is not so much a fall of silver as it is a rise of gold, the inevitable effect of a fear of the demonetization of silver."

Still, as you have no doubt observed, Mr. Sherman has lately delivered an address in which he has said that gold has never gone up at all; that silver has fallen; that gold has been stationary. The fact that half of the monetary circulation of this earth was withdrawn; that a double burden was imposed upon gold, has not made gold rise. Say that there is only 50 per cent. or 25 per cent. or 10 per cent. of flour in the market next week that there is here this week; that will not affect the price of flour—oh, no! (Laughter.)

Secretary Carlisle, another wanderer from the ranks and a refugee in the home of inconsistency [laughter], in 1878, when he was speaking under the obligations of the oath of a representative of his people—and a clear-headed, able man he is, one of the best lawyers in the United States—said:

"I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver shall keep pace with the annual increase of population, commerce and industry. According to my view of the subject, the conspiracy which seems to have been formed here and in Europe to destroy by legislation from three-sevenths to one-half the metallic money of the world is the most gigantic crime of this or any other age."

There is more of it here, but I will stop right there. I cannot exceed the extent of that crime. Of course, Mr. Carlisle, as Secretary of the Treasury, changed his views. Some people uncharitably think that it is owing to the fact that he desired to be Secretary of the Treasury, and that his chief told him that he might be President. For my part, I think that the gentleman is getting prematurely old. I cannot attribute it to any other motive. I think he is honest, but he was not mistaken when he expressed the other view.

But we are met by those prophets of evil, to whom the sorrowing man in Poe's poem alluded when he said: "Prophet, bird or devil"—we are told by those gentlemen, whether they are prophets still or not, that the country will be ruined, because of what? Because we will have a 50-cent dollar. Why is the Democratic party in favor of a 50-cent dollar? Because the Democratic party is in favor of restoring silver to the place which it occupied in 1873. (Applause.)

Let us first consider this issue, fellow citizens, as though we were really advocating a proposition favoring the reduction of the dollar to fifty cents. Let me ask my friends, when they call that dollar a 50-cent dollar (as they are pleased to term the silver dollar), whether that is any less a dollar than the 200-cent dollar of Wall and Lombard streets? Let me call their attention to the fact that whenever the circulating medium, the money of final redemption, appreciates, the products of the country go down; that whenever the man who controls the restricted circulation has his way, he wears all the good clothes and the producers of the land have holes in their shoes and more seams in their coats. (Applause.) Let me call their attention to the fact, recognized today by every great economist, and recognized even in the days of Grecian philosophy, that as the monetary medium goes up, as the standard appreciates, the products of the soil and of man's labor fall. Is that well? It is well for those who hold in their hands the limited circulation, the money of final redemption, but it is death to the frogs upon whom the stone falls. (Applause.)

But is it true that we advocate a 50-cent dollar? What is this thing upon which our friends in the East especially prate, for I am speaking to you more particularly of their case; as far as California is concerned, in my humble opinion she has already expressed the death knell of the gold standard. (Great applause and cheers.)

I deny that we will have a 50-cent dollar if the Democratic policy were pursued. Why do I say this? I am met by my friends with this argument: "Look at the commercial value of silver today—some 53 cents or thereabouts." Why, fellow citizens, will you take an individual upon whom you have inflicted the ultimate power of your wrath, whom you have thrown upon the street and battered into unrecognizable mortality, and stand him up against the wall and say, "You are not pretty, and I blame you for it!" (Laughter.) Since 1873, and to this hour, you have legislated against silver. Your representatives, willingly or unwillingly, ignorantly or selfishly, or otherwise, have submitted to the dictation of those who wished a gold standard, that they might be able to hold within their grasp the limited circulation of the world. And silver, thus legislated against, thus demonetized, thus trampled upon, thus defaced, thus obscured, thus discredited, thus inveighed against, has finally come down in the market. Is it any wonder? When you have thus trampled upon it and witnessed the triumph of your innocent act, you seek to benefit by it and to make a standard based upon your own iniquity. (Applause.)

Fellow citizens, I appeal to you from no partisan sense—for no one more than I recognizes the absolute disruption of party ties upon this great issue—I appeal to you and ask you whether you can afford to talk about a standard or ratio until you have restored silver to its pristine dignity and placed it where it was from 1792, when it received the seal of approval from those who fought and bled in the Revolution for the freedom of this great nation, until 1873, when it was surreptitiously deprived of its standard money power! (Great applause and cries of "Good!")

When Mr. Harrison, an ex-President of this Republic, talks about a 50-cent dollar and accuses us, those of the American people who favor the free and unlimited coinage of silver, of circulating a debased coin, he places himself in a position where I am authorized to say of him (for he is an intellectual man) that he does not occupy an enviable place. Why did he not fairly state the position of the advocates of free-silver coinage? We contend that silver, honestly placed upon the same plane with gold, given the same rights before the law, will go up to that place which it occupied, not only when the Revolution was fought, but when, in 1812, we met the same enemy in triumphant conflict, when we made our splendid record in the Mexican struggle, and when we saved the flag of the Union in the great Civil War, and down until the time when the money changers in the temple, who, in days gone by, received the divine anathema, struggled and succeeded in placing the common people within their selfish grasp. (Cries of "Good! Good!" and applause.)

Why, they say everybody knew that silver was being demonetized in 1873. If that were true it would simply mean that everybody was a fool. Everybody did not know it. It is true, as he says, that Mr. Sherman knew it—he voted the other way, but he knew it—and he made his record all right, and he got two or three of my personal friends whose names I will not mention here, in a very bad way, for they voted in favor of the demonetization of silver, and they never knew it until three years afterwards. (Applause.) And Mr. Sherman is quoting their record on them every day, much to their own discomfiture. The best proof that they did not know that silver was demonetized is the press expression of the time. Mr. Young, to whom I have already alluded, in the article of the 30th of May, 1895, calls for attention to this fact: That there is no place in the newspaper circulation of the United States in which that momentous subject is treated at all—and I speak of the newspaper circulation cotemporaneous with demonetization. In other words, this great act was done. Whether for weal or woe, it was a most important matter, and yet none of the great journals of the age, none of the great papers of this nation—or the small papers, or any papers—mentioned a word about it. It was more than two years after that, too, before the fact was ascertained, and then it was learned that some of the most ardent silver men of the country had voted in favor of demonetization.

The coinage law referred to was contained in a law regulating the mints of the country, a great, long act, containing hundreds of provisions, and nobody paid much attention to it. The members of Congress hear the title of the act read and the clerk sits over there and he reads and reads and reads, and nobody knows what is going on unless he looks at the act before him. No one in Congress who expressed himself upon that subject, with the exception of two or three gentlemen, knew what was in that act, as far as the demonetization is concerned. And none of the newspaper reporters knew it, and my acquaintance with them is, that if there is anything public, and indeed, I was about to say if there was anything private, they were very likely to learn it. But in this case they did not fulfill their function in the latter regard, though I have no doubt they did in the former.

But, fellow citizens, whether it was a public announcement, or private announcement; whether it was an agreement, or inadvertence; whether it was the result of miscalculation or ignorance or of inattention, is wholly immaterial to us at this late day, except in so far as it may affect the testimony of some one who today claims that he is a teacher of the people. I take it as it is. I say that it was a wrong and an outrage.

Why do I say so? First, there was no reason for it. Silver in 1873 was worth but little more than $1.29 per ounce. It was worth more than the maximum which we claim silver will reach today if we have free and unlimited coinage. How long had it stood at this figure? From the days of 1792. They tell you, first, that Mr. Jefferson in 1806 recommended the discontinuance of the coinage of the silver dollar. Mr. Carlisle in a speech at Nashville some time ago made that assertion. Why did he not tell all the truth? A man who will stop in the middle of the truth usually perpetrates that which is not true. I wish to speak in the most polite language possible. (Laughter.) In this case Mr. Jefferson recommended the discontinuance of the coinage of the silver dollar, recommending the continuance of the unlimited coinage of all other forms of silver. And why? Because he said the silver dollar was being exported, it was going away from us, and he preferred to coin some other form of silver that would not leave us so quickly. (Applause.) And now our friends of the opposition object to the coinage of silver, because, they say, all the silver of the world will be dumped upon us. "Save us from it, or we perish." (Laughter.) Hence, whatever may be thought of the result, it is very apparent that the motives of Mr. Jefferson and the gentlemen who appeal to him today are very different, and I cite Mr. Jefferson as confounding their asseverations.

Fellow citizens, from 1792 to 1873 the value of silver fluctuated enormously. I have the figures here which can be given to any one, as I do not wish to weary you with reading them, but I will state this, however, in a moment: From 1820 to 1872 the silver production fluctuated in the most pronounced manner, and while the relative number of ounces of silver in the world's stock was all the time becoming less in proportion to the stock of gold—falling from 101 tons of silver to one of gold to about 22 tons of silver to one of gold—still the market price remained entirely upon the ratio established by the open mints of France, but when the onslaught on silver commenced in 1873 and the mints were shut in its face, although the production has continued from that day to this more nearly equal than at any time within a hundred years, and the bulk of the world's stock of silver has been for years almost exactly the old mint and market ratio, namely, from 18.06 to 16.01 tons of silver to one ton of gold, it is impossible to contemplate these figures and justify the assertion that the enormous production of silver has lowered the price.

When California was discovered, fellow citizens, Australia at the same time added its mighty production to the gold stock of the earth. At that time values were apparently changed. The supply of gold immensely predominated and overtopped that of silver. From day to day and hour to hour the supply has increased or diminished in one metal or the other. One day silver has been up, and the next day gold. But the great bimetallic standard which has been defined by Mr. Balfour as consisting of two great tanks connected with a pipe and water in each, and as one goes down, by the law of financial gravity the water in both is equalized, so throughout all this great period has the valuation in the world of both coins remained the same. And why? Because legislation was the same. (Applause.) I am told that legislation cannot affect it. Years and years ago that old Grecian whose words of wisdom have penetrated the brain of every philosopher who has thought or written, or who has contributed his erudition to the advancement of men, Aristotle, said, "Money by itself is but a mere device which has value only by law, and not by nature. So a change of fashion by those who use it is sufficient to deprive it of its value and its power to satisfy our natures." Mr. Rogers, one of the most distinguished cotemporary monometallists, a man who today is aiding England to sustain its selfish standard, says: "The fall of silver is entirely due to the cessation of silver minting, and the abandonment of a silver standard, according to the law which I laid down in an earlier part of this lecture that the dominant factor in any one of the precious metals which determines its value is its use as currency."

Is that not nature? It is true that in 1878 we gave it value as a money that could be tendered in payment of debt; but we interfered with its power, its potentiality, when we limited its coinage; when we said "This shall be a legal tender in the payment of debt, but we restrict the amount that shall be coined." When at the same moment we leave gold without any restriction do we not put gold above silver? Did we not lessen the use of silver? When we have, in conjunction with England, Germany and France, shorn silver of its use as a circulating medium all over the world and placed it within a restricted sphere, have we not lessened its use? It is true we have not destroyed its use, but we have lessened its use.

We have not lessened the use of gold as we have lessened the use of silver. We have impaired its market validity and potentiality just as we impair the market value of anything else if we should prevent its use. If you should prevent by law the use of flour in this city, and condemn a man to death who should handle any wheat or flour, would it affect the value of wheat or flour? If the world said that any special thing should not be used for that to which it had theretofore been devoted assiduously, would you tell me it would not impair the value of that article? If you take gold today and by convention of England, France, Germany, Russia, and all the great powers of the earth demonetize it, and say it should no longer be a money of final redemption, will you tell me it would not affect the value of gold? Why, fellow citizens, if this nation alone, this imperial Republic, this nation that today is said to be impotent to have its own coin, which must go abroad and approach with bowed head the crowned potentates of Europe, and ask them permission to exercise the functions of sovereignty—if this nation should alone demonetize gold and say it should not be received as a money of final redemption, do you pretend that it would not affect the value of gold in this market and in the markets of the world? (Applause.)

The only late writer who differs from this statement is Mr. Edward Atkinson. He has lately informed us that there is a certain stove with a certain kind of fuel, and there is a certain sort of food which will enable a man to live on ten cents a day. His theory and his stove are harmonious, but no American wants anything of that kind. (Applause.)

They say that it will be dumped upon the United States. Even as energetic, and I trust as earnest and as honest, a body as the San Francisco Board of Supervisors will not be able to clear the streets. (Applause.) When those of us who live in the remote rural regions, desirous of spending a little time in the metropolis, come here, and when we land at the ferry and observe the great preparations of that magnificent edifice which has not been erected, but in course of erection for so long a time, we may perhaps be a little happy, but we will lose our congratulatory spirits when we reach Market street and find the cable system is blocked, and, instead of having an unfortunate under the fender, there are great mountains of silver all along there, and the poor and the proud will alike look on it despairingly, and say: "For heaven's sake, stop this coinage of silver." The great trouble I have always observed in my limited examination of these things is a scarcity of money. My friends upon the other side have always told me, "Money is not scarce; it is very plentiful, if you only know where to look for it." (Laughter.) Well, my friends, there is at least one proposition obvious to the most untutored, and that is that the more money there is about the easier it is to find it.

A gentleman said to me the other day: "You say they have cornered all the gold; if you remonetize silver and have unlimited coinage, what is to prevent them cornering all the silver?"

The New York World the other day put in an editorial announcing that proposition, and I have no doubt that the gentleman who wrote it, after he had penned it and sent it to the press, went out and took some soda water, satisfied that he had solved the question. (Laughter.) The great trouble about all this arises from a misconception of several propositions, one or two of which are sufficient to meet the argument.

For years and years the great financiers of the earth, men who have been educated into the business of cornering gold, have been at work accomplishing their object. In the money chest of Russia there is today between four hundred and fifty and five hundred millions of gold coin. Does it circulate? No, it is in a chest, the chest of the Romanoffs, which may be aptly denominated a war chest, a chest they have placed there as a reserve, because the Imperial family sits upon a throne under which the smouldering dynamite is hourly threatening.

They expect day by day some great necessity for the use of that money. They are operating, not on silver, because they have a little over fifty millions in circulation, if we were able to get the figures exactly, which is somewhat problematical. They are operating on depreciated silver paper alone, and fear to do it, and do not because the very moment they pay out a gold dollar, it leaves the Russian Empire. so that money is withdrawn from circulation, and it might as well have lain today under the Sierra Nevadas. It might as well be called back to that womb of Nature from which it was wrested by the industry and toil of humanity.

Austria has in its coffers a hundred and thirty millions of gold loaned to her by the Rothschild Syndicate of Europe. She intends to redeem her depreciated paper. She is unable to do so, for she is threatened within and without. The unrest of humanity causes her to quake, and that power before which it has been said the elemental rage is tame, causes her to hold in tight hand the gold coin which she has borrowed at enormous interest.

Germany keeps her money well in hand. Private institutions all over the world do likewise. They have been engaged in reaching out from day to day and year to year, as Mr. Sherman said in the extract I read to you, for the gold of this world.

France for sixty years had preserved free and unlimited coinage, not at 16 to 1, but at 15½ to 1. She had the varying products of the mines, gold greater than silver, and silver sometimes greater than gold. Yet if you will take the report of the Director of the Mint, you will find that until 1873 there was no practical deviation from the quotation of 16 to 1, save that it was nearer 15½ to 1 than 16 to 1. It remained there placidly and uninterruptedly.

France and Germany demonetized silver almost contemporaneously. The United States came in between and did the same thing without rhyme or reason. What followed? Silver went down undeviatingly, suddenly, unbrokenly, notwithstanding the Bland Act, imperfect as it was; it was inadequate because it discriminated against silver in favor of gold. Then came the purchasing clause of the Sherman act of 1890, and for a moment stayed the downward tide. Then it went down. Mr. Bland, be it said to his credit, rejected these proposals, and has all along declared they would be inadequate to meet the exigency. The fact of the matter was that while this Government maintained the standard of 16 to 1 and 15 to 1, during all that period silver and gold worked and operated equally at a parity. When this gold struck down silver; when it was attacked thus in the house of its friends; when this Republic, which had produced such an enormous quantity of the precious metal, which from 1792 until 1892 produced $5,770,000 of silver and more of gold—some six hundred and odd millions of gold—I think the difference, if I recollect aright, of $500,000,000 of gold more than silver—this Republic, which had produced so much itself, struck down the metal on which many of its own people depended for life, and upon which its monetary system was so long based. If in the house of your friends, if your parent, your brother, your sister, gives you an order of exclusion from his or her home and sends you discredited to the world, what is your position? It is true that those who hold money are exceedingly delicate; that they are afraid of the slightest breath of adverse criticism, and under these conditions how destructive was it to the American bimetallic standard when America struck down that standard? (Applause.)

In the whole world today there is only about four billions of dollars in circulation. How are we to supply the deficit? Look at this Republic, with its small per capita circulation, at most not over $23, whereas France has from $35 to $40—France with its limited area and its necessities so much less than ours. How are we to supply ourselves with gold alone? What is this four billions of dollars to meet? The gold indebtedness of the United States alone is four billions—six hundred million and over more than there is gold in all the world. It has been estimated that the public and private indebtedness of the entire earth aggregates today more than $60,000,000,000. Think of it! You can scarcely think of it. It is too great a sum to be grasped by human conception. At a small interest, three per cent., let us say, this would be $1,800,000,000 a year, or 45 per cent. of the entire gold circulation of the whole earth. How are we to meet those increasing demands of trade which civilization begets, that civilization which every day and hour becomes less for the class and more for the mass? How can we stay its onward march? We must have some medium of exchange.

Ah! but our friends meet us and they say, It is true that the ratio was all right prior to 1873, but we only coined a few dollars, eight millions or so, during twenty or thirty years anterior to that date.

Fellow citizens, during the maximum part of that period, during its greatest business period, we had the war and the collisions that followed the war. We had neither gold nor silver in circulation in the United States, to any extent—say about twenty-five millions circulating upon this coast—and if it is an argument against the free coinage of silver to say that it did not circulate during that period, why is it not likewise an argument against the coinage of gold, which did not, either, circulate during that period? (Applause.) We had then greenbacks. Mr. Sherman, in a speech that he delivered day before yesterday—I have a quotation from it here—tells us that the greenback was made at par with gold. That is absolutely without foundation. I challenge Mr. Sherman or any other man to point to one act of the National Legislature, to one edict of its Treasury save those which were void, because unsupported by the authority of Congress, stating that greenbacks were redeemable in gold. Never was there a greater fallacy. Never was there a system commenced which operated more unjustly and more outrageously on the people than the Treasury construction of our financial laws. What are our greenbacks? They are mere promises by this Government to pay. What are our bonds? Promises to pay in coin. I read you the resolution of Judge Matthews declaring it was no breach of faith to pay those obligations in silver. Why should it be? No specific contract, assuming such to be valid, was attempted to be made in those laws. Upon the one side were the debtors. Who were they? They say, this Republic. Yes, but what is this Republic? This Republic is but the concentrated expression of intelligent freemen organized for the advancement of themselves in pathways of honor and virtue, asking for higher and better things; not seeking for enslavement; not organizing themselves to be slaves. (Applause.) If it cost the last dollar that we have, I would redeem our every pledge. If it required that all of us should be without a nickel, I would pay it out, if we had promised to pay. But when we have promised to pay in coin, and when the world can see we can, for we all speak according to law, and the light of that written declaration which was not made in obscurity, but which was brought forth in the smoke and light of battle and pictured to the world so all men might read it and know it [applause]; when we made a contract in the light of this plain declaration; when we construed it by legislative announcement and every lawyer and statesman who sought to give it validity concurred in the interpretation of its every letter; when we reach that condition, I say we are in a position that when the money syndicates of this earth, for the purpose of depleting our Treasury, bankrupting us and forcing us to issue bonds, tell us gold is the only coin, that we shall say to them, Silver is our coin, too.

They say that the world is filled with silver. Where is it? There is not twenty millions of dollars of bullion in the entire earth. Who can guess the coinage of France, coined at 15½ to 1, indeed in every day circulation? Will France send it to us, where it must be recoined and it must lose ten cents on the dollar? Will Germany sacrifice her 105,000,000 thalers which to the extent of $10 are money equally valuable with gold, circulated every day, coined on a ratio which must result at a loss to her, were she to send it to our mints? No, she will not do it. Will Russia send her fifty millions? No, she cannot do it. Will England send the subsidiary coin she uses? She cannot do it. It is more useful to her than it would be to us. Where is it to come from? They say from the earth. It is an old expression of a miner that one man can see as far into the ground as another.

How are we to tell many millions of silver are stored there? We appeal to the history of the ages. We look back to the earliest epoch. We draw our light from our fathers, and we know of nothing to lead us to suppose that the future will be as prolix as the past. When we are summoned hence, perhaps some other circulating medium will be used than gold or silver. Gold is more than consumed today in the arts of the world. Silver by millions is consumed in the manufacture of ornaments and in a thousand other ways. Where did it come from? This assertion made by our friends has no basis save in apprehension. It is based on fear. It does not live in anything fanciful. It is incapable of demonstration. No figures can be made to fortify it. No seer, even with a divining rod, can cull from the inmost resources of our soil those secrets which God Almighty has hidden from us, save as we may from day to day discover them. Is the seer of Wall street or the seer of Lombard street so successful in divination of problems that he can read those hidden things which even the prophets have not foretold? There is no truth in this proposition. Look at China, with only $3 or $4 per capita circulation. Can she surrender up the mighty quantity of silver which she has? Will the Indian give up his rupee? Where is this money to come from? Were it to come to us from all the earth, every bit of it, and be thrown in on us, we would be engaged in war with the world, because they would fight us to recover it.

If silver is worth to the mining magnate at the mint $1.29 an ounce, is it not worth the same thing to the laborer, too? Can it have a higher value for you than for me? Mr. Harrison says these things are regulated by the law of trade. To this extent he is right. They are regulated by that law of trade which pays the same price to me it does to you. They are not regulated by the law of trade which he refers to when he claims that the intrinsic value of coin regulates its monetary worth.

I think I have disposed of that contention already. It is useless for us to discuss a problem of this kind with men who have nothing but apprehensions with which to attack us. When they say that the remonetization of silver will not restore it to its former plane, they speak without proof. We appeal to history. We place before them the record of more than half a century. We tell them in the words of Jefferson and Hamilton, silver and gold are the only money which any statute shall be authorized to make; when we speak to them of the products of our mines and give them the returns for over one hundred years and prove that in the ratio of 16 to 1 there has been no change in the product of silver, we absolutely destroy and annihilate their contention.

I do not care to detain you too long. The hour is already late, and the subject is one of great importance, and of vast magnitude. It is out of the question to discuss it fully in the compass of a single night. Permit me, however, to syllabize these three propositions:

(1) It cannot be denied by any one who is arguing in good faith that we had free coinage from 1792 to 1873.

(2) That during that period there were immense variations in the production of the two metals.

(3) That the legal ratio—16 to 1—during a large part of that period, in the United States, and 15½ to 1 in Europe, prevailed without any business confusion or difficulty.

I omitted to say to you, which I should have done at another point, that one reason we coined as small an amount as we did in 1873 was that our ratio was 16 to 1, while that of France was 15½ to 1, and apart from the dislocation resulting from the war, every silver owner of every ounce of bullion naturally sent his money to Europe, where he could get a coin of final redemption and ultimate purchasing power at 15½ to 1, instead of the additional coinage of 16 to 1 which he would have to meet in the United States, hence no one save in exceptional cases coined any silver in that ratio in the United States. Can I say to you, that fact known to every student of political economy, that before 1873 the price of products was staple and somewhat increasing? Since 1873 the products of our farms have uniformly gone down. Whatever may be uttered by theorists; by those who do not reach the core of the subject, the fact is that since 1873, contemporaneously and with equal face, silver and the products of men's labor have gone down in the markets of the world. Before 1873—I have the figures before me from 1852 until that date—wheat, barley, oats, corn, etc., went up in the markets of the world; there was a variation in the commercial value of the metal, but they followed silver uniformly; went up with silver, went down with silver, giving us the intimation as much as inanimate things can, that they were destined to die together. (Applause.)

Can you build up a country without agriculture? More than half of the people of this great nation are directly or indirectly dependent on it.

Can the laborer, who is appealed to by Mr. McKinley, expect to live under the present conditions? The man who has been cornering the gold of the world; who has been ever ready to control the laborer when he can, comes to the laborer today, and with his jeweled hand and his beaver-covered arm around his neck, whispers in his ear the cooing sweetness of the Wall street seducer. No man more than I is opposed to a war between classes in this Republic. I would defend property under every circumstance, but I deny that exclusive virtue or exclusive skill in this matter of common discernment is vested in those whose interest it is to destroy. When we talk of anarchism, what is an anarchist? Is he a destroyer of property? Is he one who goes forth and takes away from labor that which it produces and deprives man of his ability to live? If so, let me ask you how to define those who have taken the National Legislature of this Republic by the throat, and by ulterior and powerful influences have compelled them to demonetize silver and have taken from half the property of the earth its entire value?

Hume, the historian, years ago said: "Falling prices, misery and destruction are inseparable companions. The disasters of the Dark Ages were caused by decreasing money and falling prices. With the increase of money, labor and industry gained new life."

To the same effect was the British Royal Commission organized in 1887 and reported in 1888. I cannot read it to you. It is available in the newspapers. I will again refer to the Chronicle of May 13, 1895, and to the article of Mr. Young, which contains the entire quotation and fully covers this entire subject, and from which I have most copiously drawn my argument.

A leading Republican, a man known to you all, said to me not very long ago before this great silver tidal wave had commenced to spread over this Republic, and when it was generally supposed that the Republican party would certainly triumph: "One thing I am afraid of. It is not that we will be successful, but when we are successful, our laborers will ask that we shall advance their wages. I am free to say to you that we cannot do it, but we probably will have to reduce the price of labor, and I know we will have a strike. In two years after McKinley is elected we will be in as bad a condition as we are now."

The only difficulty about my friend's prognostication was that he postponed his party's existence two years later than the facts seem to justify. (Applause.) He was right. The price of labor in many parts of this country is high and generous. Why? Because labor has united in its own defense. I am no advocate of the foe of law and order, whether labor or anyone else, but I believe in the honest and intelligent association of men who know what they are about in procuring justice and honest dealing for themselves. (Applause.) They owe more than all the economists in the country, and Europe, too, to their own association in this regard, than they do to any legislation by any party or any set of men. In other words, if the people of this Republic—as the laboring men do who are thus engaged in honest and peaceful organization—will unite, go to the ballot box and do their duty in this campaign, they will accomplish more than they do at present.

We are your servants. We listen to your voices. If we do our duty and you assist us, we have something to say to our opponents. We enter into the contest with enthusiasm, with honest hearts always, but it is different when you are struggling with a depressed heart than when you are battling with that exultation of hope which a man has when he knows he is laboring for those who appreciate his efforts. (Applause.) Mr. Sherman tells us silver will not circulate. He says the great trouble is we have silver in the Treasury—too much of it. On April 1, 1896, there was gold coin in circulation, $446,000,000; certificates, $43,000,000; total, $489,000,000.

Of silver there was in circulation, coin and subsidiary coin, certificates and treasury notes of 1890, $558,000,000, or far more than there was of gold.

Mr. McKinley tells us in his letter of acceptance that the great trouble is we have too much silver in circulation. We have, he says, more than France, more than England, more than Germany, and only less than India and China. Yet Mr. Sherman tells us it will not circulate and McKinley tells us it circulates too much. I despair! They tell you that legislation cannot affect this matter. Remember the old trade dollar. It had 420 grains of standard silver in it. There are only 412½ in our standard dollar. Yet the 412½ drove the 420 out of circulation. Why? Because the 420 was not money legal tender.

Mr. Young, in the Chronicle, which I referred to, in speaking of the dislocation of business caused by the rise of gold, says: "One swallow does not make a summer, but when all the swallows fly in the same direction, there is no possibility of mistaking the cause of their migration." So when every indication, where the depreciation of silver, where the depreciation of products, all the products of the farm, follow consecutively and steadily in the wake of the loss of silver of its value, there is no trouble reaching the true and accurate conclusion.

We are told that even the railroad is losing money in anticipation of the free coinage of silver. Why, my friends, the railroads of this country, as I have already said, are burdened and crushed with debt. They owe more money than they can ever pay. They owe more bonds than exist in all the world. The men to whom they owe this money have put receivers in charge. Do you think they are charging small freight rates because they can get large freight rates? Do you think they are charging small rates when they can get large rates? Do you think they are charging small freight rates as a matter of philanthropy? No, the bondholder gets all he can get. He can charge no more. Why? Because the products of the soil are down to such a degree that if he were to raise his freight charges there would be no production at all. Thus, singular though it may seem, this universal disaster which this system has entailed, has bankrupted not only the mass of American people, but has delivered to absolute and certain ruin even the common carriers of the land. Probably they would have met disaster anyhow, for they were overburdened with debt. Their stock had been watered; they owed more money on the face of their paper than was ever honestly expended.

At the same time, what I have said illustrates the condition. There are other elements entering into its solution. I speak of one particularly important.

Says Mr. Young: "The creditor class fully realize the fact that a gold dollar is not honest in the sense that a standard quart cup is; the use of the standard quart always assures the buyer that he will receive a definite quantity of the liquor measured, but the owner of the gold dollar, which is made the sole measure of value, knows that his dollar will buy much more of a given product now than it would a few years ago, and that it will probably buy still more products a year hence if gold continues to remain the sole standard. It is because the gold dollar is a dishonest dollar, constantly increasing in purchasing power, that common sense, morality and everything else demand that the use of gold as the sole standard be abandoned and that a more stable and honest measure of values be resorted to."

I have already alluded to the fact that gold will not leave this country, as prophesied, if we have the free coinage of silver. That assertion is based on the fallacy that we have a dollar worth less than 100 cents. I will not consider that branch of the case further, but place yourselves in the position of a British or German bond-holder. Suppose you own all the railroad bonds and mortgage bonds and private corporate bonds in this country, reaching a most tremendous figure. What would you do with them? Would you send them over here in panicky times and throw them on the market? No. Why not? Because you would not get ten cents on the dollar for them. Our friends on the other side of the water, while they may love us or may not love us, prefer 100 cents to 10 cents, very much like we do.

If you have a mortgage on your less fortunate neighbor's property, and he is involved, you have a hold on his property and you can take it, but you will have taxes to pay, and difficulties to meet. If you are rather sordid and unforgiving, you will not foreclose on him, but let him pay you interest and keep the property. If you are charitable you may relieve him and let him pay you some rent. (Applause.) Our friends in Europe, who hold $5,425,000,000 of railroad indebtedness, will not send that here. Why should they? Would they expect to get in this country today more gold than there is in circulation in all the world? Of course not. Why should a money loaner in Germany or England send his securities here and demand their enforcement when he knows that doing so will cause him to lose money? The most valuable Jersey or Holstein or Durham, or whatever you wish to call her, for the moneyed men of Europe, is the United States, and they would rather jointly milk and feed that great and good-natured animal than to slay her. The goose that laid the golden egg has been heard of in England and in Germany. There is no danger about that. But our friends who have cornered the gold, and our friends who have a little interest with those who have cornered the gold, and our friends who are in the hands of those who have cornered the gold, and our friends who are depending on those who have cornered the gold, and our friends who are afraid to antagonize those who have cornered the gold, all arise in their might and say, "Heaven save us! We will lose all our gold if we have any more silver!"

One other thing, and I am done. I speak with reference to the proposition that we cannot afford to coin money unless we have the consent of Europe. If I am right in the premises which I am arguing, it takes no great logician to meet this proposition, if the action of this Government will appreciate silver. If France for fifteen years coined silver, I do not know why this nation, so much more populous, so much greater, as far as its natural resources are concerned, than France, cannot afford to do so. She did so. She proceeded actually without trouble.

Professor Molhauer, the greatest statistician of the world, tells us in a recent issue that this country possesses more natural resources and more ability to maintain herself in a monetary sense than England, France, Germany, and other powers.

Our Republican friends only two years ago twitted us with subserviency to England, because we were in favor of a lower tariff than we had. They have been making fun of us because the United States decided we had no right to tax the incomes of people. They criticized us at that time because we said that we favored a reduction in the tariff, and they told us that we were aping England, and we ought to have a policy of our own. Mr. Depew said the day before yesterday he would prefer, a great deal, to have a policy which would give us the friendship of such a man as Lord Russell rather than one which would give us the friendship of Li Hung Chang. I rather agree—if the proposition were put in that way—I would have concurred with Mr. Depew. But when I remember that Mr. Depew a few years ago was telling us it was a horrible outrage to exclude the heathen Chinee, and when he was telling us it was an awful outrage to adopt British free trade, I thought perhaps Mr. Depew had been having a very pleasant day when he made the speech of the day before yesterday.

Fellow citizens, I do not believe in inveighing against any foreign power. We welcome—as in the case to which I just adverted—distinguished people from all over the world, and we should do it. But if we have not the power to declare a financial policy of our own, then we must abrogate the functions of government.

In the olden times battles were fought with brawny arms and naked sword. Men met in single combat, and on the field; where physical mastery was triumphant was solved the question of the dominancy or submission of races. Time has effected many a change.

In the council halls, by diplomacy, and in the back inner chamber of the financier, where with white and developed hand is penned the check for millions, is solved the freedom or slavery of man. The nation that gives up its right to declare what its circulation medium shall be, what its standard of value shall be, what its money of ultimate redemption shall be, in what form it shall pay its debts, sacrifices itself. (Applause.) There is nothing left of it. All that remains after that sacrifice is leather and prunella. If there are those who can walk with head erect under those conditions, they have lost the heritage of their manhood.

My Republican friends, where was your party born? In the presence of a great issue, an issue which was finally worked out in the midst of contention, which deprived many a woman of her husband, many a sister of her brother, and many a mother of her son. But those patriotic mothers, as in the days of Sparta, wept no tears, for their country had been redeemed.

Shall you men who have risked your own lives and those who have succeeded, stand supinely by today and see your own party declare that the arm of this great Republic shall fall nerveless in the presence of Lord Salisbury's edicts? Mr. McKinley tells us it will be a pleasure to appoint a commission which will go over and negotiate with these great men. Why should England stand with us? In February, 1893, Mr. Gladstone in the House of Commons, said:

"England is the great creditor of the creditor countries of the world; of that there can be no doubt whatever, and it is increasingly the great creditor of the countries of the world. I suppose that there is not a year which passes over our heads which does not largely add to the mass of British investments abroad. I am almost afraid to estimate the total amount of the property which the United Kingdom holds beyond the limits of the United Kingdom; but of this I am well convinced, that it is to be counted by tens or hundreds of millions (pounds sterling.) One thousand million would probably be an extremely low and inadequate estimate. Two thousand million, or something even more than that, is very likely to be nearer the mark. I think under these circumstances it is a rather serious matter to ask this country to consider whether we are going to perform this supreme act of self-sacrifice. I have a profound admiration for cosmopolitan principles. I can go a great length in moderation in recommending their recognition and establishment, but if there are these two thousand millions or fifteen hundred millions of money which we have got abroad, it is a very serious matter as between this country and other countries. We have nothing to pay them."—

Of course not. We have something to pay them.

"We are not debtors at all. We should get no comfort, no consolation out of the substitution of an inferior material, of a cheaper money, which we could obtain for less and part with for more. We should get no consolation, but the consolation throughout the world would be great." And we constitute a part of that world which, in the language of the great British Premier, would be consoled by the adoption of bimetallism. Yet we say that we will take our laws from him and those for whom he has spoken. (Cheers.)

Fellow citizens, we owe Britain and Germany, and we are ready to pay them all we owe, but do not let us stand by and continue in the demonetization of a metal which was a valid legal tender when the indebtedness to them accrued, and when they first had their claim against us. According to the letter of their bond, let the judgment be written. But do not let us sacrifice more than we have promised to do. We have no margin left for generosity. If we have, let that generosity be expended and given to those among us who so sadly need it. Let it not be given to those who not only do not need it, but hold in their hands the destinies of the human race. It is to the patriotic honesty of the American people that I appeal. I ask for no anarchistic platform, or for the sanction of no anarchistic doctrine. I ask that this nation be permitted to stand on the obligations which she has made, and that her legislators and her people be loyal to her before they are loyal to any other power.

I have alluded to no other subject, because I consider this the paramount question of the hour. If I discussed anything of a local character, I would refer the people of this State to a plank in the Democratic national platform not found in the Republican platform, pronouncing against any Pacific Railroad Funding bill. (Applause.) If you are in earnest in what you have often said on this subject; if you really mean that those who represent you in the halls of Congress are to act against the enactment of any such measure, show it by your votes. How are you to do that? There is but one man in all this State running on any platform who stood throughout as the advocate of that measure.

That gentleman none of you electors of this city can vote for. I refer to Mr. Johnson, of the Second District.

But there is one man who typifies, centralizes and concentrates in himself all that you hold dear in that regard, who is the leader of the people in that respect, as he is in every other—I refer to Judge Maguire. (Loud and prolonged applause.)

See to it that no mistake is made in this case. He is no wily politican, familiar with ways that are dark or tricks that are vain. He is an open, plain-spoken man, and unless you look out for him there will be always danger that in the last moment some job will be put up to defeat your will. Look out for him. You have not known him as long as I have. I have known him from his earliest childhood. I have known his record in the Legislature. If you permit him to go back with anything but an increased majority, how can you expect that he can with any heart go on with his work? We will do our duty, but no man can do his duty unless he has the unbroken confidence of his own house.

In conclusion, I plead with you all, without reference to party ties, and in the best of faith, for there is no man who feels a more generous sympathy for the people of this State and nation than do I. Honored as I have been in my locality and State, I have felt it has not altogether been a partisan tribute. I feel my obligations to others. I know they ask me nothing, except that I shall do that which my conscience will warrant and my reason authorize. I am deeply interested in this struggle. When I see the great leader of this silver movement, whose position is far beyond that of any party in this the very central period of his life, standing before great audiences in adverse cities, vindicating the right of the people in the council halls of reason against the appeals of sordid wealth and the frowning minions of power, I raise my hand to support him, and hope you will all raise yours.

A few days ago a man working for a corporation wrote me a letter telling me a paper had been circulated which he was asked to sign, in which he was pledged to vote for sound money, as I said before, that they call the best money and the honest money. He said that his co-employes and he refused to sign it. That a week afterwards the same paper was handed to him with no explanation except "Will you please sign this?" All the employes took it as a threat. He told me that four-fifths of those who were for our nominee signed it, but he said in this letter, "I did not, but they will all vote for Mr. Bryan." (Applause.) He asked me what to do. He said he had a family depending upon him and he believed that his negation would result in his discharge. I wrote him a letter and said that I knew of nothing in the case of a man working for his living, whose wife and babies were dependent upon him for existence, leaning on his arm, which would compel him to sacrifice his judgment at the behest of his employer. Still, it was useless to argue, and I advised him to sign the paper and vote for Mr. Bryan. I told him that the same eternal power that had spoken of the eye of the needle and the difficulty that some people would have getting through it, would perhaps forgive him for that prevarication, as I felt confident that I would be forgiven for that advice.

I wish to call the attention of any people, if there be any such doing it here, to Section 41 of the Election Laws of this State with reference to intimidation, and I hope those gentlemen will read it carefully. If they do, it will not be necessary for any of us to prosecute or defend them for intimidating voters in the State of California.

I have concluded. I thank you for the careful attention that you have given me in the consideration of this somewhat dreary subject. I am deeply interested in it. I have sat in the halls of Congress year by year, and seen remedy after remedy tried. I have heard those who today prognosticate disaster telling us that if we repealed the Sherman act we would have glorious times. It was repealed. We did not have glorious times. Next the tariff law was a necessity. We had it. Mr. Cleveland said it was too high, yet it did not give enough revenue to supply the Government with its ordinary necessities. Mr. McKinley now tells us that the great trouble we are under is, we have not enough taxes, and we ought to go back to something like the McKinley bill, and these are the remedies. We see suffering. We see disaster. We see our banks telling us they cannot loan any money. The avenues of labor are being closed. You cannot find work if there are none who can profit by the investment.

All over the world is the great concentration of money. This appeal today is not to destroy property, but to maintain it. We are not seeking to contract a currency; to destroy the property of any man, but we are seeking to restore to the people of this Republic the position which they occupied under the Constitution before the surreptitious hand of greed swept from them their heritage. (Applause.)

CHARLES CARROLL OF CARROLLTON

ADDRESS DELIVERED BY HON. STEPHEN M. WHITE, AT THE NEWMAN CLUB DINNER, ON MARCH 29, 1900.

GENTLEMEN: The suggestion of my appearance is rather threatening. It has been said that I am going to give you one of my little talks, and from the tone in which the statement was made I am afraid you considered the talk would run toward the morning hours; but upon this occasion, for physical if not mental reasons, I do not desire to detain you long, and I think that none of us, when in the presence of some of the guardians of our good behavior, would care to prolong the matter.

I have been requested to respond to a toast, "Charles Carroll of Carrollton." Without attempting to read any paper on the subject, which I could not do as circumstances prevented the preparation of one, I will refer to the following brief extracts taken from authorities:

"Charles Carroll of Carrollton was the last surviving signer of the Declaration of Independence. He was born at Annapolis on September 20, 1737, and died at Baltimore, November 14, 1832. He sprang from an ancient Irish family and came from stock noted for their fealty to their country and to their religious principles. He was educated in France and entered Middle Temple, London, in 1757, returning to Maryland in 1765, thus qualifying himself for the practice of the law. Carroll found the public mind in a ferment over many fundamental principles of liberty. The education of children in their own schools was proscribed, and this in a province based on religious toleration, and all were taxed for the established churches—the Church of England. He attacked this condition in the public prints. On July 4, 1776, he was a member of the Continental Congress. Maryland was declared a free State in 1776. He was a member of the first State Senate and was elected to the United States Senate in 1791, serving ten years. April 23, 1827, he was elected one of the directors of the Baltimore and Ohio Railroad."

I refer to these brief extracts to show that he was a man not merely of great ability, but of that ability that enabled him to reach out and beyond any particular subject and which qualified him to deal with the giant problems of the day, involving not merely matters of dollars and cents, but questions affecting the right to individual thought, to untrammeled opinions. Carroll had much to contend with. He lived at a time and in a society when freedom of opinion was not recognized save by those who sought to dictate to others the views they should adopt. He stood with his fellows for their deliverance from England's domination. He desired to establish a constitution in which there could be found no excuse, not even toleration, for anything looking to bigotry. He designed to put every man in a position where he would have the right not merely to aid in the establishment of such a central government as his own ideas should dictate, but where he should enjoy the highest privilege, that of worshiping his Maker according to the teaching of his reason, and according to his ability. It was not in private that he voiced these sentiments; he did not utter them in restricted circles, nor did he seek to veil his views in a limited journal; but he published them as something in which he believed, and declared that Maryland could never be, with his consent, a party to any law which did not give to every man the privilege which he claimed for himself.

The Almighty spared him many years, and indeed, as his biographers inform us, he was the last of all the great school of patriots who penned that wondrous instrument which is alike the pride of Americans and the admiration of lovers of freedom, not only in this day, but it has been an inspiration and a hope to every people who have aspired for better things, for that liberty which is equality and which recognizes the poor and the rich, the great and the small, as equally entitled to the protection of the law. Carroll of Carrollton, as he is commonly called, was one, perhaps, of the greatest of the men who have professed, in this Republic, the Catholic faith. In these days when the right of the individual to do as he sees fit, is recognized; when friends rally to his support; when the glad voice of encouragement meets him on every side, he can afford to be independent, as we so call it. In times when we participate in the councils of the Government and ourselves have a share in fashioning the rules of conduct of our fellow men, we can afford to assert our convictions openly and declare that this, that or the other has always been our view. But when, in his day, the voice of bigotry was rife in the land, and when it was solemnly announced that less than freedom of conscience should be accorded the man who believed in the Catholic faith; when he, looking around at existing conditions, asked himself the question, "What is my duty?" he did not find that that duty led only to the advancement of his individual views, but he recognized that the right which he claimed for himself under the laws of his nation pertained equally to every one. He looked on this Republic as a nation emancipated from bigoted rule. He had drawn much from the history of the nations that had existed and passed away in the tide of times, and he, having supported and believing in the principles which were imbedded in his heart, determined that he would not have part in building here less than the first republic of all time. Free in the sense of right; free to do right, with power to curb and repress wrong, and to oppose by force if need be the incursion of the common enemy! Those were trying times. They were so serious that but few men cared to assume responsibility. What does responsibility mean? Often the destruction of individual hope; often, where the dictates of conscience are considered, the absolute annihilation of political aspirations. Men who think one way and talk another are only less venal and corrupt than those who seek by monetary means to influence the sentiments of the voters. Carroll looked at the history of mankind from the so-called "dawn of civilization," and he saw strewn along its bloody highway the forms of thousands who had sought to aid in the establishment of free government. He had seen how the greatest of empires, on the Tiber's banks, developed, but really retrograded from a condition of semi-free government to one in which corruption had coiled its slimy folds around the ruling classes. He knew that in armies—in the sword alone—could not be found the solution of the grave questions which attend efforts of man to rule man, for he had seen adown the corridors of Time the forms of nations strewn, leaving little save the ruins which mark today where stood the once proud cities of the plains. He had read of "Happy Palmyra," in whose desert grounds only serpents hiss. "Happy" the poet had called it because the memory of its crimes had passed away with its lofty pillars and massive domes. Charles Carroll sought not to labor for a particular individual, but he determined that those who believed as he did should at least here have the right to do as in justice they might see fit, under wise and benevolent laws. He looked over these great domains and he saw a land that must be wooed to that cause which ought to receive the support of the true, the just and the good. He determined to bring men to the fold which he believed to be the true fold by showing that he respected their opinions, regarded their thoughts, and desired that they should have an opportunity to judge for themselves as to the merits of all matters, not merely political, but also religious. He may not have thought that there could exist at some subsequent time a band of men who would seek to circumscribe the religious rights of fellow citizens or deprive them of suffrage because they would not abandon their principles; but he did know, as a student of history, that bigotry exists not alone among the poor and ignorant. Recognizing that history is the light of the student, he learned that hypocrisy and fraud are often clothed under the seeming exterior of liberty, which really means exclusion of all else save the individual and his pet theories. Carroll of Carrollton believed in a government of absolutely just freedom and he insisted and demanded of those about him that, in their deliberations and theories and judicial creations, there should be no discrimination, and that the law for the one must be so for the other. Is it not singular that in that age, in the days of the American Revolution, when men were willing to sacrifice lives and fortunes and thereto pledged their sacred honor, it was necessary to invoke a principle of absolute equality for all men? Do we not wonder when the common enemy stormed our gates that it was necessary to refer to such an issue? What would he have not thought, looking down the stretch of years, to find that in this day and generation there would be men to challenge the right of man to liberty of conscience? How would he have thought that a people, passing through the storms of a revolution and succeeding by force of unanimous and united efforts in wresting themselves from the oppressor's clutches, could beget any one save one who believed in freedom and gave to all religious toleration? How would he have considered the fact that the nation which would enter into a great struggle to make an inferior race free, that the Declaration of Independence might be said not to have been spoken in vain, and that its promise of universal liberty might be forever redeemed, would hide in its precincts a man to attack freedom of conscience? When he placed all he had in his struggle and when he met seemingly insurmountable obstacles he never forgot his principles. In the days of more youthful years, in the hour of ambition, in the time when men seek to win regardless of method, many may be willing to conceal, at least, the teachings of their earlier years, but in his case he never faltered, and he left to us a lesson of valuable importance and significance, not merely by what it has taught those of his faith, but from the lessons it conveyed to all men. And if the corner-stone of this Republic is placed and cemented and sealed upon and in a foundation from which it can never be torn, it is because it is based upon the principles that were advocated by Mr. Carroll.

Time passes and we pass with it. We are of little importance in the great transpiring events of the world or in the story of our Republic's life, and may it be that some one of us can contribute to the advancement of some man whose life and labors may so redound to the honor, as it proves to the advantage of his country, that he may merit comparison with that great patriot. He overthrew all opposition to his efforts. Not only did he succeed in his locality, but in the Senate, when it was far more difficult than now to assert an unpopular proposition; and yet, he never flinched. His life proves that in the end rectitude must be victorious; it shows us that it is not the ephemeral applause that makes history, that makes men, that makes nations, and contributes to civilization. There are times when certain causes may seem unpopular—when, indeed, they may be so—but the man of conscience, the man of opinions, will not, for that reason, join in the popular cry. As a careful student of surrounding matters; as a conscientious examiner into the detail of history, he will make up his mind to adhere to it. Not for himself does the patriot live. His deeds, as far as earth is concerned, are of momentary value, but the lessons he leaves to posterity endure and last when he has passed away. How many of us, had we not examples like this, would be less valuable than we are?

It is well sometimes to get together and think of the great who have gone; not the great whose magnificence was evidenced by a worldly radiance, but the great whose lives made virtue more prominent and vice more abhorrent, and taught to us that not only is there a final day of reckoning, but also that in the transitory affairs of life—and most transitory, political preference—the man who adheres to the opinion he honestly entertains has at least the respect of his fellow men, and gives a lesson of permanence, of value and of more than lasting importance.

When once in this day and generation, or any other time, this or any other nation shall persist in advocating and shall carry out the principles announced by Carroll, it will not decay. These principles are immutable. The truth lives when the man who has uttered it and the one who defied it have gone down to the grave; and if this is so in the religious, so, too, in the political sense, for the man in a political way who does what he conceives to be right, carries out that mandate of his faith which requires him finally to act for the glory of his God.

And this evening we gather here to spend time perusing the biography of this man. The lessons he has taught and the great principles which he has made more permanent are worthy of our thought, as he is of our confidence and regard. Long may his memory last and longer may the principles which he so long and ably advocated be followed, adhered to and revered by all men.

And if the American nation shall continue to foster the principles which he advocated, holding aloft its mighty banner, it will head the procession of all time; and as today it is respected from end to end of the world for its power, it will have no opposition in that great competition where it shall claim the right to the admiration and the support of all civilized and intelligent men.

MISCELLANEOUS SPEECHES

AND ORATION OVER THE BODY OF L. J. ROSE.

THE LATE L. J. ROSE.

L. J. Rose is dead. He parted with life after years of manly effort. He faced the world beyond after the accomplishment of many a "victory of mind over matter." He left no colossal fortune to induce slander—or to stimulate greed. He erroneously thought that the term of his usefulness had expired.

He struggled, as did others who resided not far from him, to build up this section and to make it bloom and prosper. He was a partner in the toil of those who made San Gabriel valley beautiful and historic. Responding to the exertions of Mr. Rose and his co-laborers, the orange grew where the insignificant cactus was native, the vine bled where the coarse and fugitive grass had been reproduced years without number. The modern cottage, covered by the ever-blooming rose, the sweet pea and the twining vine, the flowery garland of many names, all attested and attest the wisdom and taste of his intelligence and exertion.

More important than this was his direct influence manifest upon manhood. The merry voice of childhood, the half-uttered sentences of budding womanhood, the bold declaration of the newly-made man—even the appeals of infantile sincerity attested the birth of the Southern California of today.

In this realization, Mr. Rose played a leading part. His personal hospitality, always seconded by those about him, endeared him to all. He was a progressive man. He was, like many of his associates, a local pioneer. Men of today may accuse him of erroneous judgment, but his efforts will bear fruit, and it will be said of him and of those who worked with him: "They made us great."

Money is not soul. It may rule the body; its necessity we ever recognize. Beyond all this is the sterling gift of truth, the synonym of sincerity, of progress, which looks to the fruition for gain, and which declines to lessen the common joy because it may result in the promoter's grief.

Rose was a candid man. I have never known him accused of hypocrisy. He was, possibly, overcandid. He was a magnanimous man. The only charge against him in this respect is that he was too generous. I knew him well, not only as a citizen, but as an official. I sat by his side in the Senate of California. He often declared that he sympathized with railroads, and yet he voted always against every corporate measure which antagonized the people. Indeed, it was said of him that he was a true antimonopolist.

He was fair. How few are fair! How seldom does the individual register an unbiased judgment! He was fearlessly just. How few are just! How very few are fearlessly just, in the sense that they prefer right to success! He made and lost fortunes. Men may blame him who have never acquired anything, but their criticism will pass unheeded.

More important than this was the direct promise of honest design. The failure of aspiration is not important—save as it involves a lesson. But the lessons of that which has not been won means a new condition.

It is said he had faults. Who is there who will escape the remarks of quondam friends, when, shorn of his power, he passes from influence or sinks into the grave? The days of authority are those of adulation; the moments of adversity find in the abode of suffering only the few who are really true. The martyr dies, reliant on his Maker, the patriot upon the cause of man. He depends upon an issue, ever buffeted by interest, and impossible of location.

Mr. Rose watched with zealous care the interests of his family. Those who knew him appreciated his solicitude for the welfare of all who depended upon him.

It is true that he took his life. Suicide is not a right. It is violative of rectitude and contrary to those divine ordinances which make penance and suffering elements in the accomplishment of salvation. But are those who kill themselves all suicides in the ulterior sense? Tired and worn with life's struggles, trembling in the evening of an unequal contest, with frame broken by terrible effort, eroded by care and bowed down by that sorrow which flows from ungratified effort, the man of three-score and ten grasps his fevered head. What is there for him? He is no longer young. Contending with issues which would have been light in his younger days, he does not laugh in the midst of the tempest about him. When he enjoyed the fruition of developed strength he sought contest and won; but the hour must arrive when man's brain is on the down grade. The passing of years is certain to tell. Responsibility accumulates, vitality lessens, the time server ceases his aid, the companions of halcyon days are no longer present.

All this tends to depression. The fading of financial resources, the consequent loss of influence, the indifference, perhaps, of some upon whom he relied—these elements must ever tell upon individual intellect, must thrill and urge him to a final conclusion.

When L. J. Rose saw, on the evening of his life, his receding star; when he recalled it as it stood in its zenith, who can wonder that his aged form felt the heavy strain, and that the frenzy of unaccomplished hopes, of laudable desires not won, wooed him from the path of intellect and plunged him into a condition of despondency, resulting in a deed which, in reason's dominant hours, he would not have done. He did not take his life with malice aforethought. His death was the consequence of unbearable woe, operating upon the tired brain of an honest, proud and royal man. Under this constraint the end came without volition.

THE DECADENCE OF THE PAST AND THE HOPE OF THE FUTURE.

SPEECH DELIVERED IN LOS ANGELES, CAL., APRIL 14, 1899, AT DEMOCRATIC RALLY.

Senator White, after waiting for several minutes for the applause to subside which greeted his own name and the conclusion of Mr. Howard's speech, said:

It seems to me impossible that any words that I can utter tonight can contribute anything to the magnificent address to which you have just listened. While my friend and I do not agree upon theological issues [laughter,] we are certainly in accord upon those great principles which he has discussed, which he has so eloquently advocated and which carry conviction to every mind. I wish the epigrammatic phrases that he has uttered here tonight to be treasured in the heart of everyone here. They appeal to American citizenship. They tell the lessons of political duty. They signify the obligations which we owe to the future, to ourselves and to humanity; they epitomize the philosophies upon which every American must finally stand who wishes to see his country triumphant in that high court of honor wherein we hope that our works may be received.

I was astonished tonight when I came here and saw this great gathering. I was astonished because it is not a time when there are any tickets in the field. It is not a day when there are solicitors for office before the people, seeking for personal preference; but it is a day when all of us think, or ought to think, that there are obligations confronting us worthy of the deepest attention. And when the distinguished gentleman who has introduced me to you stood here, using that wonderful and concentrated phraseology which is the peculiar attribute of his great intellect, I wondered whether, after all, when I am engaged in other things, he might not himself make a pretty good Senator from the southern end of the State.

It is a happy thought that men of intellect, wherever they may be circumstanced, unite in attempting to better their kind. It is a happy thought if you and I, absolved for the moment from our duty to our business cares, may meet in solemn converse and consider whether, after all, there is anything that we may do to better the great Republic to which we belong.

No man, be he small or great, can doubt that there is a great crisis upon us. When men stand in public places and say that George Washington was a pretty good sort of a fellow when he lived, but he wouldn't have amounted to much if he lived now, it is time for us to pause and reflect. It is time, my countrymen, for all of us to consider whether there is much known to us—as far as the philosophy of the human life and the agitations of human passions go—that was not known years and years ago.

Who were the great men of the past? They were those who sought to solve the problems of life. Were there Republics in the past? Were there men who had endeavored to raise humanity from a groveling state to that high plane to which we seek today to elevate it? We know there were, and yet have we not seen the one Republic and the other fade away and depart from existence? Along the banks of the Euphrates and the Tigris are those wonderful monuments of the greatness of men, and yet they have passed away. The stork builds its nest in the ruins and the snake throws its slimy folds about the pillars that once evidenced the glories of Babylon. Where are those nations now? There are no evidences, as far as human life is concerned, existing to signify that they ever were. They died, not because of their violation of any altruistic philosophy, but because they had violated the maxims of justice and truth which the Almighty has decreed when violated to be the ruin of any nation or of any people. Look upon the banks of the Tiber, where the mighty nation that presided over the seven hilled city once dominated the earth. Where is that city now? It has today but an ordinary place in the history of human life. There was a time when the great Queen of Sheba brought a glorious tribute which she laid at Solomon's feet. That great nation predominated. There was a day when the civilized earth laid at her feet every offering that it might produce, and yet Sheba faded and passed away. Far in the north, where the Norseman has his home, came a people untaught in that kind of lessons of which Sienkiewicz has told us in such wonderful phraseology in the remarkable novel, "Quo Vadis." It came and, as the mighty nation of the Tiber, it drooped and faded from humanity. It passed away, and it was but a victim of the times. Why? Because it had failed to accomplish its duty.

When we won our freedom from those to whom we were opposed in years agone, there were men who tried to teach us the lessons of truth. Were their motives corrupt or were they venal? Surely not. They had stood when the campfire of the Indian illumined the midst of the forest; they had stood and faced the European foe in front of them, with the sword of defense in the one hand and the rifle of protestation in the other. They sought to win for themselves freedom from the foreign foe. They won; they accomplished that for which they sought. They erected, not upon the Tiber's bank, but upon Massachusetts Bay and in Philadelphia, a great nation, before which today, upon the Fourth of July, we bow the head of gratitude.

They had tried the story of human life. They knew, as my friend has well said this evening, that a Republic based upon intelligence had to be maintained upon patriotism and upon truth. They knew no Republic could live unless dominated by men of brains, freedom, honesty and fearlessness of expression. They were not striving to form syndicates or trusts; they were not trying to make oil companies or sugar companies or any other companies dominant in the United States. They stood by the fireside with one hand around the babies of the flock and the other ready to receive the foe, and with eyes uplifted they stood to meet the issue; and they met it; and they won it; and they have transmitted to you and to me the priceless heritage of the freedom thus won, that we might do to ourselves a duty, and to posterity a duty, by defending it forever and forever.

Let us, fellow citizens, remember, whether we are Democrats or Republicans—and I am talking to you from the broadest possible view and disentangled from party affiliations—let us remember that this heritage is the question of the hour. Shall it endure or shall it die? Do we know so much more than other people? Pause a moment as you walk home tonight and ask yourself wherein is it that we know so much more than other men? Do we know it in the domain of literature? Have you ever passed an evening in the study of the wonderful recitations of the Grecian poets? Have you ever read the remarkable recitations which are evidenced in the mottoes of Aeschylus, Sophocles and Euripides? Have you ever paused at any time to think upon the great arguments that have been made in the Parthenon at Athens? Have you ever thought that humanity has ever learned anything from the wondrous displays that we have made in that little peninsula during the days when Persia attempted to wrest from her what she thought to be the priceless heritage of her liberty? Have you ever thought of the mother who told her child that she would rather see him borne home upon the litter than to see him run away from his foe! And today have you not a reproduction of that sentiment here? Do you not know it as you stand in this town today and see the flower of manhood taken away from the shore elsewhere and striving and fighting for that country?

We stand, fellow citizens, in a situation grave and peculiar. Are we really fighting in a patriotic war? Are we not rendering this American people tributary to trusts, corporations and monetary powers? For what are you sacrificing the brave and gallant boys who are at this very moment baring their breasts to the rifles of a foreign foe? Is it to better our condition? What is the truth? Are we really doing it for truth, or are we building up some other system which we will bind around your necks and mine, like the coils of the anaconda, destined to strangle and to weaken us?

Fellow citizens, I believe that if there is to be any new Democracy it must be built to make and to constitute some kind of a system that will be good to man. The trusts are terrible institutions. They eliminate personality; they destroy individuality; they make a man who is desirous to pursue a legitimate calling a mere serf of another. Trusts are another name for slavery. The great hero who stood at Gettysburg declared that this was a Government of the people and by the people, and that it should not perish from the earth. I do not stand before this audience to tell you that I have a remedy which is supernal or supreme, but I tell you that I am thinking of it with all of that devotion to truth which you and I owe to the common Government. The question of this hour does not depend upon silver or gold—though I believe in a constitutional bimetallism—but it is, Shall the vast aggregations of money power dominate this Government? Shall it control those who are unwilling to be subservient to its will? Or is it possible that you and I can get together and devise some scheme whereby individuality may be for the time triumphant? It is obvious that we have a duty to do, one that we cannot shirk without involving us eternally. If, on election day, we do less than the obligation which our hearts teach us is our duty, are we answering another duty prompted by any rule of morality of which human right is cognizant?

Reviewing the array of nations prepared for war, Mr. White said: I see a mighty nation, a Russia, a France, a Germany, an England, with their millions of men armed and ready to slay; ready to fight; ready to extinguish mortality. I see their serried forms, not only upon lands, but their wondrous navies upon the vasty deep; I behold their mighty cannon leveled at the foe, and I ask myself why is it thus? I turn back my eyes to the days when on Calvary's summit the Nazarene died that man might live, and that peace might prevail; and when He who might have summoned the legions of His Father to destroy the earth, suffered death that He might keep peace, and I wonder whether, in this nineteenth century, in this day and in this hour, we who claim to be a Christian people, we who speak of our humanity and our good will, and who send from the battlefield the gory corpses we have stained with human blood, are in reality sincere.

For myself, my views are clear. I believe in my country. Her I am ready to defend. On her great shore, from her mountain tops, and from every vale within which she attempts to exercise jurisdiction, I believe it to be the duty of our manhood to rally to the support of the American flag. But I think that her destiny is something more than to subjugate rattlesnakes, boa constrictors, Filipinos or Cubans. I look upon her as the typification of the republic of the ages. I regard her as containing within her mighty bosom the truths of centuries, received from those who have striven to elevate virtue, to take women and men and build them up to be higher and better things in the struggling story of mortality. I believe in that, and I summon to that great contest no barbarian horde. If I have anything to say, if my voice may summon from the vasty deep, if it may call from the mountain top, if it may bring echoes from the plain, the note will be, "Let us fight that manhood may be better; that it may be purer; that it may be greater." And at my side I want intellect, purity, truth, manhood; and above me the standard of justice.

CALIFORNIA PIONEERS

SPEECH DELIVERED AT CHICAGO, ILL., CALIFORNIA DAY, SEPTEMBER 9, 1893, BEFORE THE CALIFORNIA WORLD'S FAIR COMMISSION.

Mr. President, Ladies and Gentlemen: We are here today to celebrate the forty-third anniversary of California's admission to the Union, and to invite our sister States to join in common and heartfelt congratulation that the great Western Republic has been permitted to give to man this wonderful proof of her resources and her ability to endure.

On September 9, 1850, the Congress of the United States passed an act admitting California into the Union, and ratified a constitution which had been previously prepared by a distinguished body of American citizens who met in convention in the city of Monterey, and this instrument remained in force with but few alterations until it was supplanted by the work of the convention of 1879.

No words of mine can add to the eloquent pictures descriptive of this exposition which have heretofore been contributed, and nothing that I might say would add to the glory of the renowned navigator who gave this continent to civilization. Nor can I—as well as others have done—draw those conclusions from this display which have been and must be deduced by the philosophical mind. I shall rapidly glance at California, her station and history, for it is her turn to be heard, and it is her duty at this hour to give reasons for the pride which she does not seek to conceal.

California became a commonwealth under peculiar circumstances. It is a matter of every-day knowledge that the territory comprised within her limits was ceded to the United States by treaty. Up to the year 1849 the business interests and social intercourse of that portion of the continent were carried on almost entirely with Mexico. During the last quarter of the last century Father Junipero Serra, a priest of great ability, exalted virtue, and remarkable courage, founded the missions of California, selecting, as experience has shown, the most favored localities. Little did he, or those that were with him, dream of the discoveries that were to come, or of the vast changes destined to be wrought in that hitherto unknown land.

It is not my purpose to dwell extensively upon historical subjects, or to recite the interesting story of our being, from the founding of our missions to the discovery of gold. Those are topics which, to be adequately explained, would need more examination than this occasion permits, and I do not feel authorized to present anything in the nature of detailed remarks.

The experience of the mission fathers demonstrated the fertility of California's soil and furnished to the keen eye of the subsequent explorer proof of her productive and climatic possibilities and peculiarities.

Under the system then prevailing, large grants of land were made to individual occupants, covering a considerable portion of the most favored sections, and the United States Government assumed, in its treaty with Mexico, to protect these property rights, and by means of a tribunal appointed for the purpose this obligation was carried out.

Such was the state of affairs when the pioneer set his foot upon the Pacific. Prior to the discovery of gold there had indeed been some adventurous spirits whose love of enterprise and desire to better their condition induced them to leave the more Eastern States and to seek their fortunes and carve out their career on the Pacific. Most of those ancient adventurers have been summoned to their fathers. A few of them remain, and their descendants are occasionally to be met with, and among them are to be found some of our most valued citizens.

I must not in this connection omit to mention those who tenanted California at the time of the American occupation. The landed proprietors of that day were generous, kind-hearted, and brave. Their hospitality was more noticeable than their business ability. They were not well equipped to engage in financial transactions with those with whom they were destined to be brought in contact. Their polite deportment, as well as their geniality and their reputation as ever-ready entertainers, willing to share with the wayfarer, and to answer to his wants as best they might, are traits never to be forgotten of the Spanish-Americans. But they yielded to the inevitable, and their fine estates, in nearly every instance, passed into alien ownerships, leaving but little for their offspring, and often insufficient to palliate the cares of life's sunset. Some of these earlier residents still remain, but the larger portion have left us. Many of their children are inhabiting the land of their fathers, and numbers of the new generation are keeping abreast, and some of them are in the van of the unhesitating army of progress.

As I have said, the facts attendant upon the admission of our State were peculiar. The condition being as I have described it, upon the circulation of the news of the discovery of gold in large quantities (a small amount of the precious metal having been found several years before Marshall gave the intelligence which startled the world), thousands left their homes in the Eastern, Middle, Southern, and Western States, expecting to secure with slight effort an ample supply of the coveted metal and then to return to their firesides, wealthy, happy, and prepared for the joys of opulence. These were the California pioneers. It did not take them long to learn the advantages and necessities of statehood. They met in convention, framed their constitution, presented it to Congress, procured its ratification, and our State sprang into existence without infancy or probation—Minerva-like, and absolutely complete.

State pride is but another name for appreciation of national glory. The sons and daughters of each of our commonwealths delight to sing the praises and repeat the incidents of their respective birthplaces. Yet, in the assembled splendor of all, the American citizen finds his chief source of gratification; and hence, if we, and especially those of us who are natives of California, shall seem extravagant in our laudations or partial in our views, we shall not thereby forfeit the esteem of our fellows, for the competition in which we are engaged is an effort for the promotion of universal welfare.

I can not attempt to describe my State. I will not seek to do so. The subject is too elaborate for more than passing mention; and the men who knew California when the Bear flag was raised, and who are familiar with her appearance and development at this moment, alone can understand what has been accomplished, and that which may yet be done. In more recent years many an old pioneer has stood dazed at the eventuation; has seen achievements of which he never dreamed, and which, had they been suggested, would have seemed beyond the reach of ambition; and has looked with more than a father's gratification upon the participancy of his offspring in the accomplishments of this wonderful mutation.

When gold was discovered the pioneer was compelled to import from distant portions of the globe articles necessary not merely for his comfort, but for his existence. Many productions now yielded in abundance at our very doors were sought and obtained in foreign markets in exchange for heavy expenditures.

Examining the official reports of the last year—1892—we find that California's wheat crop alone was worth more money, had greater actual market value, according to careful estimates, than that of any other State save Kansas. Besides this we have harvested enormous quantities of barley, oats, and other farming output. We have sent abroad tons of fruit, bringing millions of dollars to our coffers. Our oranges, raisins, prunes, and canned fruits have been transmitted to distant markets, and are recognized as inferior to none. When we reflect that a single county has sent more than one million dollars' worth of oranges to the populous centers in a solitary year, we are led to the conclusion that in no other portion of the globe can there be found such varieties of profitable growth, such happy combinations of soil and climate. Our mineral resources naturally suggest a word regarding those who organized our State, and of them I shall presently speak. I am now alluding casually to a few of those attractions which qualify us for statehood and disclose the Creator's bounty.

I doubt whether any other part of the earth furnishes such striking manifestations of nature's prowess as does California. I have spoken of the remarkable results that man has wrought for her; but untouched by human skill are the great canyons, the mighty trees, the mysteries of her Sierras. When we speak to you of forest giants more than one hundred feet in circumference; when we allude to sequoias through the base of which a loaded Concord coach is often driven; when we attempt to describe the beauties of Tahoe, in which Nevada shares, the wonders of Shasta, of Whitney, and of matchless Yosemite, it is not surprising that you turn from us almost contemptuously, feeling, perhaps, hurt that we, as you erroneously think, are relying upon your credulity. The grandeur of the Yosemite can never be portrayed by lips however eloquent, by pen however skilled, by artist however gifted. That wondrous rift in the great Sierras, more than three thousand feet in depth, into which drop the numerous falls that for years have and for all time must entrance the vision of the beholder, filling him with an indescribable sense of Divine majesty; the lofty mountain peaks covered with everlasting snow, from whence the explorer gazes upon the valley where roses ever bloom; the unrivaled forests of Mendocino and Humboldt, serve alike to contribute to the enjoyment and wealth of our people. California's geysers, her numerous mineral springs, possessing curative properties to which thousands attest, are advantages which can not well be duplicated. These marvels man has sought to supplement by well-expended industry. We have taken from the streams their wasting substance and have poured it upon the thirsty plain, thus awakening into life latent activity unused for ages and inestimable in its wealth. We witness all the fruits of the temperate and many of the semi-tropic climes grow to perfect maturity. Where herds roamed, cities and towns are flourishing, and the schoolhouse and church erected side by side demonstrate the movement of modern civilization. And while we still point with well-grounded satisfaction to our mining development, we are not dependent upon that extensive source of revenue and profit. The remarkable climatic features which our State presents are known the world over, and need no mention here. I doubt whether there is an equal area evincing such a multiplicity of resources and growth as is displayed in California. In several sections of our State, as I have said, semi-tropical fruits, such as the orange, the lemon, and lime, grow in abundance and produce unfailingly. Elsewhere the raisin is cured, not only with success, but in such manner as to justify competition, as far as quality is concerned, with anything in the market. Again, in other places the grape is utilized for the making of wine, and I need not speak of the good fortune which has attended our efforts in that direction. Our prunes equal the finest French varieties.

Much has been said regarding the profits of agriculture, and much more might be told concerning the same, but I must not delay; I will leave this branch of my remarks with this comment: that, in view of the exceptional benefits which our State confers upon its inhabitants, it is fast becoming a resort for people of means who desire to spend their days in that comfort which can not be experienced elsewhere. As a result land values are not exceedingly low, and it can not be said with truth that our State offers remarkable advantages to persons without any means. Of course, we have our share of laborers, of artisans and mechanics, and in as great numbers as circumstances require; but it is to the man of moderate wealth and to the man of affluence that California holds out special inducements, and her claims are fast being adequately understood.

We are proud of our educational system, from the public school to the university, including numerous well-equipped private institutions. We contend that our status in this respect is surpassed by none. We have ever been most liberal in this laudable work, and propose to continue in the same policy. We believe that American manhood and American womanhood, possessing as far as possible the benefits of the knowledge which generations of toil have placed within the grasp of our race, must eventuate the best possible results, and must produce a Government approximating perfection more closely than any which has hitherto dominated humanity. There is with us a powerful and enlightened press, generously striving, from the metropolitan journal to the less pretentious, but locally even more influential country paper, for improvement and public betterment. Indeed, the rural press of California when united never fails to win; and our great city newspapers furnish to their readers reliable accounts of the daily occurrences of the world with unsurpassed fullness and accuracy, together with comment and reflections from the ablest pens.

While some of our progenitors believed that there was a future for California beyond the mining industry, yet her real powers were not understood nor appreciated until long after her admission. The pioneer did not primarily seek California for the purpose of permanent settlement. His affections were naturally attached to his childhood's residence, and to it he was anxious to return. He had faith that he would quickly realize a handsome competency, and that he would be able to go back to the hearthstone which he left, the bearer of those material benefits which gold has at all times been supposed to supply. Many indeed did retrace their steps, but a large portion, wooed by a seductive atmosphere, charmed by nature's offerings, animated by that ambition which accompanies activity in pursuit of money, laid the foundations of permanent homes upon the Western coast, and to these they are moored by the dearest ties.

The California pioneers were a remarkable band of men, and my address would be a manifestation of base ingratitude if I did not say something of them. When accounts of the new El Dorado reached the eastern part of the Union, the ambition of the energetic and dauntless elements was excited beyond description. Graduates of universities, youth raised amidst polite and pleasant surroundings, saw in the vista an opportunity for sudden affluence, and the consequent realization of fervid desire. Ardent, gallant, hopeful, they bade adieu to their loved firesides and their mothers and fathers, their sweethearts, their sisters and brothers. Those who had lived near the Eastern seaboard chose the ocean route. Those who started from the interior selected the plain. Some there were whose wives, and a few there were whose children, embarked upon the dubious undertaking. It was necessarily true that but a small minority of the pioneer Californians anticipated the perils in store for them. The feeble-hearted soon gave up and early resumed their former methods. But those of whom it might be said that they established California, while disappointed by the unfavorable aspect of their new contract, threw aside all that was useless and began to work for the fulfillment of their hopes. They had been borne in safety around the stormy Cape, over the malarial Isthmus; they had escaped the undescribable terrors of the desert; they had lived though starvation seemed imminent; had escaped from the savages' hands, and firmly resolved to carve out a career of greatness, they scattered over California's surface, devoting themselves mainly to mining and to those commercial transactions which naturally accompanied that avocation. They scaled the high Sierras, they thronged the deep canyon, until its fastnesses rang with the hum of their energy. Experience soon made them experts, and they contributed to the world's markets their golden gain. In 1847 the total gold product of the United States was less than $1,000,000; in 1849 it was $40,000,000, and in 1853 it reached $65,000,000—the greatest output for a single year disclosed in our history.

It is not too much to say that the world does not appreciate, and perhaps never will, the effect upon civilization of the heroism of the pioneer, even if we confine ourselves to his mining exertions. It has been claimed by one of the most eminent of Americans that had it not been for the gold thrown by California upon our civilization, a panic would have taken place, about the time of the admission of the State, without example in the monetary history of the world. It is a notorious fact that the great financial disturbance which preceded our Civil War was greatly mitigated, the ills suffered throughout the world vastly assuaged, because of the facts which I have narrated. But while these men of brain and muscle thus availed themselves of nature's material bounty, their minds were not idle. In the mountain recesses they organized themselves into bodies politic, established and declared their own laws, formed a government fitted for the immediate occasions, made mining regulations, covering not only the mode of appropriating claims, but likewise the use of water necessary in their operations; and so equitable were many of these regulations that they were recognized by the highest courts of the State, and afterward ratified by Congress, and were declared by the Supreme Court of the United States to be effective, even in the absence of Congressional recognition.

History will, no doubt, record numerous instances, seemingly severe, descriptive of the character of government which controlled these incipient municipalists; but their regulations were just. In the communities thus suddenly formed there were always men of ability, whose views were equitable and whose determination to execute the wise popular will was never doubted. The tribunals which were formed as the consequence of general concurrence, maintained order, defended property, preserved life, and enforced laws, so that the criminal, who is always present when times are good, was compelled to act with at least seeming propriety, or if he failed to do so, the measures adopted for his correction were always adequate, though sometimes, perhaps, excessive. When the State government was organized some of the best minds whose exertions were ever brought into legislative halls, came to the seat of State government and fashioned statutory enactments which have since, with but casual alterations, been found entirely sufficient to meet the growing demands of our vast and improving commonwealth.

It is impossible for one who has not shared in this condition to judge of the sensations of those who, like myself, have stood by and grown up amid these influences and who have associated with and been taught by the men whose indomitable efforts paved the way upon which we have so readily trodden. But judging our progenitors without partiality, and viewing them as they really were, and estimating their efforts by visible effects, the historian will record that no nobler or truer band ever in patriotic efforts united their powers or maintained more obviously the right to undying recognition.

If the brave, active, and generous men who laid broad and deep the foundations of our State deserve commendation and are entitled to a dignified position in the story of our commonwealth, what shall we say of those noble women who, in redemption of their nuptial pledges, braved the storms of the sea, the perils of the desert, the fevers of Panama and Nicaragua, and became the mothers of the generation to which many of us belong? Search the world over and there can not be found any more worthy sisterhood. As the pioneer was usually young, intelligent, and pushing, it was not strange that he chose a wife of harmonious temperament. A man with a sense of pervading mastery could not always appreciate the actual terrors which encompassed him, or which were ordained to obstruct his pathway. His youth made him brave. His surroundings stimulated his manhood. It is said that in the latter part of the night, those who have in the early evening been really courageous and possessed of the nerve to defend themselves against anything, lose their valor as the hour approaches when, according to the poets, "churchyards yawn." So in the evening of life, when the tired frame yields to long continued pressure, the average mortal is not equal to the strain of primal development. But the pioneer was daring, even beyond all prudence. His wife, while kind and loving to the limit of wifely instinct, was as determined and unflinching, and, perhaps, even more enduring in her loyalty than her sterner companion. These girls left their parents' roof, not for a voyage upon a floating palace across a summer sea to the center of a fashionable and polite world, but whether upon the clipper ship or upon the "prairie schooner," or treading the parched sands, their journey was beset by the greatest dangers, and accompanied by no comfort save the presence of their faithful partners.

Perhaps most of us might withstand limited hardship, if the objective point proffered rest or even transient enjoyment; but these tender women were cast upon an almost untrodden shore. It was their solemn obligation to defend their own and their husbands' honor; to raise their children without the assistance of an easy-going civilization, and to maintain all the integrity, all the dignity, all the happiness of the true home. These duties were not only well but extraordinarily performed. The many thousand young men who move with firm tread over their native California are prepared to attest that they and each of them owes a supreme debt to his mother. For it was she who nurtured and instructed them, who ministered to them in sickness, and who guided them in health; who saw at untold sacrifices that they were amply equipped for life's many exactions, and who, if she yet survives, looks upon them proudly, while they vainly struggle to repay that devotion which was alike unbought and unpurchasable. But not all pioneer mothers press to their hearts their sons today, or rejoice in manifestations of filial duty. Many sought in vain to resist the strain under which they labored, and were placed by tender hands beneath the soil of that commonwealth for whose promotion they had done so much, and under the cloudless sky of their adopted land they sleep the sleep of the just. Deck their graves, my bereaved brothers; you owe to them more than you will ever owe to the thousands who move about you today; more than you will ever owe to business associates, or quondam friends, or to the applauding multitudes by whose suffrages you are perhaps elevated to high position. Their love was as unsullied as the virgin snow first touched by the eastern sunbeam. However they may have suffered, their pains they considered were amply repaid by your health and your prosperity. Nature has taught every man to admire his mother; but in the lonesome grandeur of the scenery which encompassed our younger lives, in view of the exceptional characteristics of the influences which prevailed when we were summoned to life, there is not one of us who does not know that the natural affection implanted in his heart has been intensified and sanctified.

Gathered here, far from our homes, in the presence of this great congregation of the earth, in the sight of all these evidences of gratified human endeavor, these indisputable proofs of man's attainments, let us record our fealty, our never-ending devotion to the hearthstones before which we grew to maturity, and to the mothers who taught us the best lessons we ever learned.

But the present prosperity of California is by no means solely due to the pioneer. He made the way agreeable, but he did not usually, or in fact very often, reap the reward. Thousands of cultured and active men and women, attracted by the conditions which I have sought to describe, located in our most inviting regions, and at once proceeded to apply the sensible business rules which they had learned in other communities. It was under such inspiration as this that the cities of Southern and Central California have grown up, that irrigating systems have been perfected, that delightful abodes have been created, and thrifty and enlightened towns established.

In the northern part of our State the wand of the welcome immigrant has, too, shown its efficacy. The magnificent and remunerative orchards that adorn the hillsides of our northern counties, where formerly mining was almost the exclusive industry, demonstrate that wealth is not alone to be found in the bosom of our mountains, or upon the surface of our rich valleys, which from San Francisco's unrivaled harbor to the mountains feast in luxurious yield; but that the rolling hills, at the base of the Sierras, need but the husbandman's touch to answer in pleasure and compensation. The population which is thus added to our comfort and knowledge constitutes little more than the announcement of a greater movement by other seekers for comfort and success.

Of what has been accomplished since the discovery of America, many a volume might be written and but a fraction of the story be told. Enter these great buildings, investigate their contents, ask yourself at every step when this or that art or science reached its present development, when this or that discovery was made, this or that invention produced, this or that application made. In manufacturing how incalculable has been the gain! Nations have arisen, dynasties fallen, because of the material advancements of the arts and sciences. Light, heat, steam, electricity—what subjects to excite our enthusiasm! And how correctly, though in miniature, all these evidences of the world's evolution are exhibited within this area. Not the least of the marvels within our observation is this great city which arose from the plain, reached out farther and farther as the years rolled by, until she has become the mart of the great West, and must at no distant day be the empire city of the United States. She is now a subject of universal astonishment. There is room for her expansion. Chicago has the wealth and enterprise to realize her aspirations. She is at the center of an inexhaustible domain, the productive capacity of which is scarcely comprehended. Standing in this presence, we not only contemplate the world's victories in a material way, but we can not but be struck by the indubitable proof of the conquests of the mind. It is the fashion to speak in terms of praise of antiquity, and doubtless there is much cause for wonderment in the development of art in epochs long gone. The object lessons by which we are here encompassed speak more eloquently than words can do in demonstration of the triumphs of this age and of its right to claim paramount excellency. It might not be amiss to say that, in spite of all that has been written and said to the contrary, no student of history can ponder over the outrages committed in the past by man upon man, without awakening to the truth that in morals and the development of kindly and Christian sentiment, this age excels all others. Its charities, its numerous evidences of benevolence, its appreciation of the claim of the old, of the young, of the infirm and helpless, warrant the belief that the human heart and the human brain are certain to triumph over human passion. No more striking proof of our development can be found than in the progress of the spirit which gives to woman due credit, and raises her to the station for which she was intended by creative wisdom. The United States may proudly claim to occupy a front rank among the nations that confess the injustice that has been done womankind. Well can she unite in the Republic's song, and rear her babies to love that flag which protects, elevates, and encourages her.

Now, on this occasion so pregnant with impressive memories, in this great city, the type of American progression, amid these choice offerings of the world, these selected tokens of that which has become most admirable in every civilized land, may we not be pardoned if in our enthusiasm we exalt the Republic? The ancient and the modern, the nations whose histories have furnished the lessons from which we have sought to deduce a rule of public conduct, nations whose theories of government are in some cases widely different from ours, are here to swell the anthem. Even from lands but touched by the modifying influences that we have always enjoyed, come emissaries who gaze upon an unconquerable people, not one of whom possesses, unless he breaks the law, more than the common privilege.

I esteem it a favor of priceless worth to be allowed to view this matchless scene; to note not alone the entrancing forms thrown in orderly profusion around us, but to see in these, and in everything else within the scope of my vision, the indescribable victories of intellect. Thus conscious of my good fortune, the feeling is intensified when I regard my own participancy in this day's festivities. If the fathers of the Republic, who guarded with paternal devotion the early life of the nation which they sacrificed so much to organize, were able to appear among us and behold these marvels, they would freely concede that they builded better than they knew.

In concluding, permit me on behalf of the people of my State to extend to you all an invitation to visit us, especially next winter, during which time we expect to hold a midwinter fair. Congress has generously extended the same bonding privileges to foreign exhibitors which have been accorded to this exposition, and we anticipate presenting a most attractive display. We not only invite you for the purpose of enabling you to observe those things which are brought to us for exhibition, but we trust that you will examine our State without discrimination or reference to any particular section. We think that you will derive much satisfaction from such investigation. Listening to the music of San Diego's sea shore, as you gaze from Coronado's porches upon the lazy billows, silvered in the moonlight, you will detect the advent of the spell; at Redondo, Santa Monica, and Santa Barbara you must recognize the growth of the enjoyment; when you reach peerless Monterey, you will be ready to capitulate. Or if, perhaps, you enjoy the mountain, upon our great Sierras amidst the splendid scenic conditions which I have sought to portray, you will find gratification beyond my promises. And the hospitable city of San Francisco, in whose park our exposition will be held, is ready to receive you with that liberality for which she is noted; and if you acquiesce in our offer, I feel confident that you will bless me for the suggestion.

If, while speaking in
built, I have succeeded i
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have not been in vain.

SAN PEDRO JUBILEE SPEECH.

Speech delivered at San Pedro, Cal., April 26, 1899, upon the occasion of commencement of work in the construction of the outer harbor at that place—to bring about which, Senator White had labored so assiduously. The occasion has gone into history as the "San Pedro Jubilee," and was a day of rejoicing and feasting.

Following the address of Gov. Gage, Mr. Davis paid a glowing tribute to ex-Senator Stephen M. White, in introducing the former legislator. Ex-Senator White spoke as follows:

"Ring ye the bells, ye young men of the towne,
And leave your wonted labors for this day;
This day is holy; doe ye write it downe,
That ye forever it remember may."

FELLOW-CITIZENS: Great military triumphs have in all ages, sometimes justly, sometimes without reason, been succeeded by elaborate displays and long and loud applause, including the many forms through which men have exhibited their enthusiastic satisfaction—their indescribable delight. Not only did the conquerers of antiquity rejoice in this way, but we find that our present able Governor has declared a holiday that we may fittingly call the world's attention and that of posterity to the magnitude and splendor of the achievement of Dewey and his gallant officers and men—heroes who consecrated to deathless fame the battle of Manila Bay. But however majestic these achievements, yet in numerous instances many of their incidents are susceptible of justification only in so far as they have been essential to promote civilization, to defend it from direct encroachment. No one fails to regret the loss of life and property which war involves, the sacrifices and sorrows thus begotten. It is for this reason that a mere whim or momentary desire for conquest cannot be the basis of rational approval, but that, as I have said, there must be something virtuous in the commencement and beneficial in the product. We are here to celebrate the commencement of a work destined to last when we and ours are gone—the benefits of which only one endowed with prophecy by divinity can for a moment attempt to enumerate. I refer to the building of the San Pedro breakwater by the Government. The undertaking is certain to culminate in a harbor not only fitted for local commerce or coastwise trade, but also suited to the needs of all merchant vessels, and to our warships and those of friendly powers plying in these waters needing for the time being a haven where they may ride without fear. Nor is this all: The United States has made giant strides in her foreign trade.

The excess of exports over imports in 1893 was about one hundred million dollars. This was considered a most promising indication, and excited general satisfaction in mercantile circles; but the excess of exports for the twelve months ending December, 1898, was $621,260,535. The Birmingham Daily Mail of January 3, 1899, declares, "In England we fully recognize that in America we have to compete with a country of unlimited natural resources. Nothing could be more remarkable than the statistics of the recent exports of American merchandise." The same newspaper continues: "The United States now ranks a good second among the exporting nations. What the approaching century has in store for her can only be approximately guessed. As a producer of iron and steel she is already beating everybody. The enormous contracts for steel which have gone to the United States lately from all parts of the world tell their own tale. Moreover, she is sending nuts and bolts to Birmingham and neighborhood at a price which would enable merchants to buy them and re-export them at a profit to other countries. Then we are told that a big trade is springing up in American bedsteads. This was a trade in which Birmingham at one time had the practical monopoly."

A very significant statement is contained in the last consular report (April, 1899,) emanating from our consul, Mr. Halsted, and which ought not to be without consolation to our railroad friends here; which is as follows: "In the news columns of the Mail the statement appears that the freight from Pittsburgh to Boston, 400 miles, was the same as from Liverpool to Birmingham, some ninety-seven miles." Upon investigation, I find in the same periodical contribution that as far as the commodity in question is concerned the freight charges from Pittsburgh to Boston amounted to about $2.50 per ton; the ocean charges about the same, and from the English port of entry to Birmingham about the same, making $7.50 a ton as the entire cost of transmission from Pittsburgh to Boston, across the Atlantic, and thence to Birmingham. It is useful to study these figures."

In the report made by the Craighill board allusion was made to the result of the possible construction of the deep-water harbor as follows:

"By far the most important aspect of this subject, however, is its relation to the probable future development of the deep-sea commerce of the country. Heretofore the Asiatic trade has naturally gone to San Francisco, but it has been pointed out that the construction of the Canadian and Northern Pacific railroads has introduced two competitors for the overland transportation of the Asiatic commerce. Two through lines, the Southern Pacific and the Santa Fe systems, cross the continent from Los Angeles at much lower elevations than the northern lines, and also connect the Pacific with the Gulf of Mexico, and their operation is never obstructed by snow or ice. If a safe, accessible, and convenient harbor for deep-draft vessels existed on the southern coast these would appear to be the most favorable lines for the transportation of Asiatic and Australian commerce.

"Should the Nicaragua Canal be completed the importance of the proposed harbor will become still greater. At the present time the most convenient course for sailing vessels coming around the Horn is to go out into the mid-Pacific and strike the trade winds to make the port of San Francisco. With the completion of the canal, commerce will be principally transported by steam vessels of moderate draft, which will move north along the coast and seek the nearest favorable and convenient port from which their freight can reach its market.

"A deep-water harbor on the southern coast would thus receive the Asiatic and Australian freights for shipment over the most favorable transcontinental lines, accommodate a large part of the commerce passing through the Nicaragua Canal which now goes around the Horn, and finally furnish a port of shipment and supply not only for the productive territory in its immediate vicinity, but also for the great interior plateau reached by the southern railways beyond the mountain ranges. Considering, therefore, the probable needs of commerce in the near future, the board is of the opinion that the proposed deep-water harbor is of high national importance and well worthy of construction by the General Government."

These suggestions evince the importance of an improvement heretofore manifested, which signifies duty done. Los Angeles is now practically united as to this harbor. Many times the efforts of our best citizens have been negatived and destroyed because of our uncertainty. The extreme East and the South maintain supremacy, for the people are devoted to each other, and in the cause of the several sections to which they belong. In party contention, in the efforts of this man and that to win renown, are found some of the reasons for our sufferings; the accountability for our woes. Devotion to the truth we all profess, but do we follow such an even ideal? Have we ever made the announcement that we will support and defend faithful public officers? My experience—not personally—but as a matter of investigation, is that we are prompt to detect defects in those who are honest, and slow to censure folly in the unjust. The ribald jests of those mailed in irresponsibility will not for a minute, or at all, influence sensible men, yet the able, truthful will ever pay the debt contracted by hyprocrisy and inaninity. There is another feature of this magnificent outpouring which cannot be allowed to pass unnoticed. I refer to the exhibition of the sentiment which is here so strikingly manifested. We have no captive triumphal trains; we enjoy enormous trade balances. We glory in no Roman show whose manacled men and women graced a barbarian holiday — the one to be the food of beasts — the other the toy of men. Our best victories are those of peace.

This harbor improvement means progress, the weakening of ties of serfdom, the solving of those many intricate issues affecting our vitality, and upon the solution of which has depended many a public affair.

Without reference to party we must stand by our flag. Grievous error may attend the domination of this party or that, but the most obvious trouble lies in our failure to meet the forms of eternal truth which ulterior motives vainly seek to hide under the evolutionary tendencies of the hour. The struggle for popularity; the hope to escape indictment and win applause, seem to be the dominating elements of the moment. Whatever may be the accepted thesis of the time; whatever may be considered as the predominating tenet of the moment, it is indisputable that we can never rise to greatness unless we have some evidence indicating the permanency of our exertions.

The Capitol at Washington is admired of the world. Its wonderful displays attract the attention of civilization. The National Library challenges comparison and remains without a peer. The Acropolis was to Athens what the United States Library under its consecration is to the city of Washington. Men and women die; parties pass, dynasties are obliterated, but deeds of honor, honesty and charity endure without reference to the favors of kings, the smiles of mobs or the acclaim of truculent aspirants for place. Art and science are perpetuated regardless of party triumph. We are unable to describe the process which resulted in the pyramids of Egypt; we cannot tell whence came those enormous masses of granite which even now attest the structural glory which reflected on the banks of the Tigris and Euphrates.

These eloquent, though silent, witnesses attest the existence of a civilization which could not live—of happiness destined to death. Singular but true it is that the mightiest of the ages have left scarcely a trace of their individuality. Ever reproduced, it seems to me, is the story of Adam's race; contentious, struggling, differing, striving, moving, hoping, uncertain and aspiring are some of us or many of us, or maybe all of us, day by day and hour by hour. The Americanism to which we belong looks upward and tends onward, onward, forever onward—sighing for better things and struggling for attainment. Man, in childhood's moment, pants for that glory which is the fruit of truth, for that knowledge which is its light. The acquirement of those desirable objects toward which ambition tends constitutes the blossoming of laudable desire. The honor and genius which seek truth and regard it, are ever deemed commendable. They belong to neither race nor creed nor party. They are revered everywhere. The man or the set of men who defy a public sentiment based upon right, will suffer. The individual who follows his conscience will not be a victim, but he who plays to the galleries without a view personally credited, faithfully regarded, can have no comfort or hope of attainment of ambition. A child tossed upon the bubbles of the sea is not more variant in movement than is the man who deserts his conscience and seeks solution of his troubles in transitory sentiment. The victim of pride and passion is not a safe guardian of the public interest. The man who knows the truth and scorns those who contest it deserves our commendation. He can never be the advocate of unreasoning and exclusive privilege; the mere creature of money; the product of error. He must be a man.

This monument whose corner-stone has just been laid is based on truth; it is not erected to perpetuate wrong. While conceived in labor it represents only truth, honesty and honor. It suggests the power of the people; it rises because of the people's will. The dazzling beauties of money—the allurements of millions have not obscured the vision of our Engineer Corps, and should not impair our sight.

This great improvement must result in increased affluence. Such constructions strengthen, beautify. Intelligent effort has matured beyond our dreams all over California. The arid country has been the scene of honest and painstaking and successful endeavor. The hacienda has vanished; the town has arisen; the city is approaching. The mighty grizzly, lord of the forest and the plain, has been driven to his utmost fastness. There with stolid determination he awaits the annihilation of his species—victims to man; sacrifices under the car of remorseless progress. Anglo-Saxon development may be cruel, but its evolutionary tendency is as remorseless as the grinding of the glacier.

Once over these plains great herds of cattle roamed. They are gone; the needs of the hour obliterated them. The orange, the vine, the lemon, the blossoming rose, the pink, the white lily and the creeping vine, together with innumerable other manifestations of horticulture, viticulture and agriculture, attest the virtue and peculiarity of our soil and climate. That to some extent we have profited by the opportunities thus afforded will, I trust, be admitted. Many of us have personally witnessed these and kindred mutations.

Some may consider what we are saying to be little more than poetic fancy—the dream of a disordered mind—the product of seductive scenes. But it is very well understood here and is a fact absolute and truthful that there is nothing overpainted in my utterances. Things of this sort talk for themselves in that language of nature which is understood the world over. Back of us rise the high Sierras—over 12,000 feet—see that range this morning wrapped in cerulean hue—capped by the pine forest, springing from a rocky bed. There the mountain sheep bounds as it did when the Spanish navigator first dropped anchor off this coast—as it did when Junipero Serra founded our missions. Who can speak of our future save in terms of hope and trust? The mild influence of our climate has had its effect. It has wooed to contentment in civilized hour the child of today; has brought his proud heart to accord to bended knee. It has arrested the savage when tempted to deeds of blood, and he has seen in the far off clearness the form of the Great Spirit warning him to duty and humanity. The mighty mountain range upon which we gaze when at the same time we touch the ocean indicates a line dividing us from the desert and sheltering us from uncertain storms. That great range is the common boundary between desert and garden, happiness and discomfort.

Fellow citizens, the missionary knew the truth when he chose these spots as fit for habitation. He marked abiding places where now nestle many of those who are dear to us. He understood the capabilities of his surroundings; he read the future. He was the "*avant courrier*" of the enlightenment of this hour. Let him be blessed—forever blessed. He tried to better his kind. He pointed to nobler places; he advocated holier deeds. My friends, I do not seek to tell of the glories that await you.

As some empires have died so have others arisen. Your course is toward the stars; your culmination is yet to come. If history is philosophy teaching by example, may it not be that we will profit by the errors of others, and avoid disaster by shunning the dangers of power?

This harbor construction, paid for by the people for their benefit and for their advancement, is a product of free institutions. It will be founded in honor and shall never fall in dishonor. The smoke of sacrifice arose from the pantheon, but naught save the blessings of refined life shall ever be suggested by the Harbor of San Pedro. May the Eternal One who has been merciful to us all spare and promote for the common good of this whole people, and in the plenitude of His concession may He cause the white wings of commerce to wave, the whistles of peace to sound and the interchange for His glory and the betterment of his creatures.

When this great work is done it will again be proved that the control of the American people does not, our friend Byron to the contrary notwithstanding, "stop with the shore," but that we move onward in those paths of conquest where the sword does not gleam and the bullet does not kill, but where the inventive and progressive American subdues by the force of his energy and the magnetism of his personality. I do not for a moment think that I am worthy of the too partial plaudits of my friend, the Governor. He accords me more credit than is mine. Whatever I have done or can do will be not only for the advantage of my section and State, but for my country, and I am even willing to say that were I able to do so, it would be a pleasure to add to the comfort and enlightenment of man that just and honest interchange which tends to make the world kin.

Fellow citizens, in conclusion, if I have done anything to bring to fruition this great work, I have but yielded to my duty. Proud of the honors which I have received, I care more for your approval than for any official incumbency. To succeed in an ambition to be elected to high office is, indeed, pleasant, but to receive public congratulations when authority has passed and the official is only a private citizen, amounts to more than an impartial indorsement. I would have done my duty as I saw it, had you protested. I did as I understood it, and you have commended. This ought to be enough for any one; it is sufficient to give me a balmy pillow.

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